

IN THE MATTER OF  
THE APPLICATION OF  
MELVIN DUCKETT, ET UX  
FOR VARIANCE ON PROPERTY LOCATED  
ON THE NORTH SIDE BACON HALL ROAD,  
1400' E OF THE C/L OF GILLETT ROAD  
(900 BACON HALL ROAD)  
7TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 95-351-A

\* \* \* \* \*

O P I N I O N

This case comes before the County Board of Appeals based on an appeal from the Deputy Zoning Commissioner's Order of June 12, 1995, in which the Petition for Variance was granted with restrictions.

Mr. John Bernstein, Executive Director of the Valleys Planning Council appeared on behalf of the Appellants; pursuant to Rule No. 8 of the Board's Rules, a certified copy of the Authorizing Resolution was presented to the Board prior to the hearing. Carole S. Demilio, Deputy People's Counsel, conducted the Appellant's case at the hearing, and presented the opening and closing legal arguments. People's Counsel is authorized to appear and participate in zoning matters before this Board despite not appearing below (Baltimore County Charter Section 524.1). Dr. Melvin Duckett, Petitioner, appeared pro se and without expert witnesses.

Dr. Duckett testified concerning the variance request. The Petitioner was seeking relief from Section 1A01.3.A. of the BCZR to permit a dwelling height of 65 ft. in lieu of the required 35 ft. permit by law. The Petitioner indicated that when calculating the height of the proposed dwelling, the measurement was taken from one

MICROFILMED

of the cupolas which had been incorporated into the design of this residence. The Baltimore County Zoning Regulations (BCZR), specifically Section 300.1A exempts cupolas when calculating height; therefore, the petitioner should have measured the proposed dwelling from the peak of the roof and not necessarily from the top of the cupola. Upon recalculating the height of the house from the peak of the roof the house will stand 47 ft. above grade and that a variance of 47 ft. in lieu of the requested 65 ft. was actually needed. The subject property and relief sought are more fully described in Petitioner's Exhibit No. 2, consisting of ten pages, which outlines a description of the proposed dwelling and site. Dr. Duckett testified that he has owned the subject property for 2 1/2 years. He indicated a desire to create a home consisting of approximately 20,000 sq. ft. as a single family dwelling. The property itself consists of 237 acres, more or less, and is presently zoned R.C. 2. It is located in the Sparks area of Baltimore County on the west side of I-83 and is dissected by Bacon Hall Road and Cedar Grove Road. The property is currently improved with several tenant buildings and outbuildings which were formerly a part of a farm operation. The Petitioner indicated that he wished to engage the entire area as an estate property. He testified that his proposed plans would enhance the area as an estate property with the proposed house as the main residence along with associated tenant houses. Dr. Duckett stated that in his opinion there were already other structures in the area served by

$\{ \frac{1}{2}, 1, 1\} = \{ \frac{1}{2}, 1, 1\}$

Case No. 95-351-A, Melvin Duckett, et ux

Valleys Planning Council ("VPC") area that exceeded the height restrictions and in addition to the aesthetic values which would be enhanced by the requested variance, his financing for the project could not be approved by the lending institution if the variance was not granted. Dr. Duckett's testimony constituted his entire case in chief.

Mr. John Bernstein, Executive Director of the VPC, testified before the Board. He stated that the VPC was opposed to the granting of the variance for several reasons. His salient points in opposition were that the granting of the variance by the Deputy Zoning Commissioner failed to meet the standards imposed by *Cromwell v. Ward*, 102 MD, App. 691 (1995) as to the uniqueness or unusual nature of the subject property that renders it in any manner different than that of surrounding properties and further that the farm was situated in a national registered historic district and that the proposed dwelling would constitute an unwarranted visual intrusion into that district. Deputy People's Counsel also submitted exhibits 1, 2, 3 and 4 outlining Baltimore County maps of the area in question, along with aerial photos and zoning maps for Baltimore County in the location of the Bacon Hall farm.

Public deliberation by the Board took place on March 7, 1996. Section 307.1 sets forth the requirements for the granting of a variance. Such variance can only be granted in situations where special circumstances or conditions exist peculiar to the land or

Case No. 95-351-A, Melvin Duckett, et ux

structure which is the subject of the variance request and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. Additionally if the variance is granted it must be in strict harmony with the spirit and intent of the height and area regulations; and, only without injury to the health, safety and general welfare, otherwise there is no power to grant a variance.

The property in question consists of 237 +/- acres. The entire Valley area contains parcels of greater and some lesser land area with some lot consisting of over 300 acres. Testimony indicated that such acreage was quite typical of the entire Valley so that there was nothing either unique or unusual as to the land mass. The average structure height of other dwellings appeared to be 20-25 ft. There did not appear to be any other dwellings offered in evidence that exceeded height restrictions. Those restrictions presently imposed on the Petitioner's property did not apply solely to Dr. Duckett's property, but all properties in the area.

Having heard testimony, examining all exhibits and reviewing the statutory and case law, the Board concluded that the Petitioner had not demonstrated that the property suffered from any unusual constraints or was singularly disadvantaged compared to other properties in the area and further that if any hardship was imposed it was not imposed by the subject site but by the building plans themselves. For these reasons, the variance



Case No. 95-351-A, Melvin Duckett, et ux

request must be denied.

O R D E R

IT IS THEREFORE, this 30th day of April, 1996 by  
the County Board of Appeals of Baltimore County,

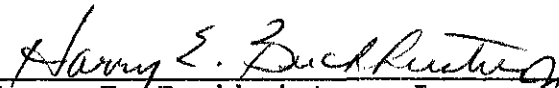
ORDERED that the Petition for Variance to permit a dwelling  
height of 47 feet in lieu of the maximum permitted 35 feet be and  
is hereby DENIED.

Any petition for judicial review from this decision must be  
made in accordance with Rule 7-201 through Rule 7-210 of the  
Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Robert O. Schuetz, Chairman

  
Charles L. Marks

  
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

April 30, 1996

Mr. John Bernstein  
Executive Director  
The Valleys Planning Council, Inc.  
P.O. Box 5402  
Towson, MD 21204-5402

RE: Case No. 95-351-A  
Melvin Duckett, et ux

Dear Mr. Bernstein:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: Dr. and Mrs. Melvin Duckett  
Mr. Tim Sanders  
Sanders Designs  
Mr. Tim Mullin  
People's Counsel for Baltimore County  
Pat Keller  
Timothy M. Kotroco  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

MICROFILMED



IN RE: PETITION FOR VARIANCE  
N/S Bacon Hall Road, 1400' E  
of the c/l of Gillett Road  
(900 Bacon Hall Road)  
7th Election District  
3rd Councilmanic District  
  
Melvin Duckett, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-351-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 900 Bacon Hall Road, located in the vicinity of Sparks, adjacent to Interstate 83. The Petition was filed by the owners of the property, Dr. Melvin Duckett, and his wife, Kathy Duckett. The Petition, as filed, seeks relief from Section 1A01.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling height of 65 feet in lieu of the maximum permitted 35 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dr. Melvin Duckett, property owner, and Timothy Sanders, Architect. Appearing in opposition to the relief requested were Tim Mullan, a nearby resident of the area, and Kristen Forsyth, who appeared on behalf of the Valleys Planning Council.

At the onset of the hearing, it was determined that the Petitioners had requested a greater variance than was necessary. Discussions with the Petitioner revealed that when calculating the height of the proposed dwelling, the measurement was taken from one of the cupolas which have been incorporated into the design of this residence. The B.C.Z.R., specifically Section 300.1A, exempts cupolas when calculating for height. Therefore,

ORDER RECEIVED FOR FILING

Date

By

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HBP

the Petitioner should have measured the proposed dwelling from the peak of the roof and not necessarily from the top of the cupola. Upon recalculating the height of the house from the peak of the roof, it was determined that the house will stand 47 feet above-grade and that a variance of 47 feet in lieu of the requested 65 feet was needed. On behalf of the Petitioner, Mr. Sanders testified that the Petitioner chose the highest point of the dwelling from which to measure so that there would be no misunderstanding at the hearing as to the extent of the size of the proposed dwelling. Dr. Duckett did not want anyone to be misled by taking the height measurement of the proposed dwelling from anywhere other than its highest point. The Petition was amended accordingly and the hearing proceeded on the merits of the amended request.

Testimony and evidence offered revealed that the subject property consists of 237.083 acres, more or less, zoned R.C. 2. The property is located in Sparks on the west side of Interstate 83 and is dissected by Bacon Hall Road and Cedar Grove Road. The property is presently improved with several tenant dwellings and outbuildings which were previously part of a farm operation. Dr. Duckett testified that he has owned the property for the past 2 and 1/2 years. The Petitioners wish to create an estate for their family and propose to construct a 20,000 sq.ft. single family residence on the property at this time. Dr. Duckett proposes to locate this rather large dwelling within the tree line that exists on the property, as shown on Petitioner's Exhibit 1, to provide some buffering to the visual effect of the house itself. Dr. Duckett testified that he intends to utilize the entire parcel, including the proposed residence, as an estate property. Dr. Duckett testified that it was his understanding that this parcel of land was once considered for development as a golf course.

He believes that the property would be best preserved as an estate with a main residence and associated tenant houses.

Appearing as a Protestant in this matter was Kristen Forsyth who voiced opposition on behalf of the Valleys Planning Council (VPC). Ms. Forsyth presented a letter from the VPC dated April 26, 1995 in which they voiced strong opposition to the height variance requested for the proposed dwelling. The VPC does not believe that the Petitioner meets the requirements imposed upon them for the granting of this variance. They further state in their letter that the proposed dwelling would form an "unwelcome visual intrusion" on this property, which is located within the National Register Historic District.

On cross-examination, Ms. Forsyth was asked by Dr. Duckett whether the VPC had reviewed the elevation drawings for the proposed dwelling prior to taking the position indicated in their letter. Ms. Forsyth testified that the VPC had not had an opportunity to review the elevation drawings, but, as a matter of principle, were opposed to any single family dwelling being built at the height proposed.

It was surprising to see the opposition by the Valleys Planning Council to the proposed use of this land by Dr. Duckett as his personal residence and as an estate for his family. It would appear to be a wonderful opportunity for this 237 acre parcel to be used for residential purposes. Only one main single family dwelling is proposed, with existing tenant houses. This main dwelling will be tucked into the tree line that exists on the property, which should provide a substantial buffer to this structure. Furthermore, Dr. Duckett has taken great care and gone to great lengths to design a rather magnificent structure to be built upon this property. Once constructed, this mansion would certainly be a show-

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piece in this area of Baltimore County, while at the same time, occupying and utilizing the entire parcel of land for residential purposes.

Given the fact that the subject property was once considered for use as a golf course, it would seem logical that the utilization of this property as an estate would be preferable to all those concerned with the preservation of this area of Baltimore County. I also question why the Valleys Planning Council would take a strong position of opposition to this residence without first reviewing the elevation drawings for the proposed structure.

Also attending the hearing and offering testimony in opposition to the Petitioners' request was Tim Mullan, who resides in this area of Baltimore County, but not adjacent to the subject property. Mr. Mullan is also concerned over the size of the proposed residence, but did note, however, that the house in which he presently resides probably exceeds the 35-foot height restriction. In fact, all those in attendance at the hearing before this Deputy Zoning Commissioner acknowledged that many of the houses in this area of Baltimore County, and particularly, the larger custom built homes, exceed the height restrictions imposed by the B.C.Z.R.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusu-

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DEPT. OF PLANNING  
10/10/95  
10/10/95

NOTED

al in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use

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Date

By

6/12/95  
[Signature]

on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

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Date 4/12/75  
By [Signature]



I find from the testimony and evidence presented at the hearing before me that the Petitioners have, in fact, proven the practical difficulty standards as set forth above and that the variance requested should be granted. In the opinion of this Deputy Zoning Commissioner, the Petitioner has satisfied the burdens imposed upon him by the B.C.Z.R. The proposed residence is certainly appropriate for a parcel of land this size and magnitude. I cannot think of a better use which will preserve the residential character, open views, and natural state of this property. It appears that the opposition to this request was generated by the fact that the Petitioners originally requested a height variance of 65 feet in lieu of the permitted 35. I can understand how a house with a roof line 65 feet height might generate concern and opposition from surrounding residents. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

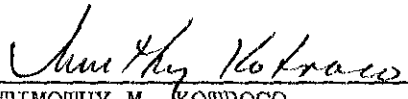
Pursuant to advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth above, the variance requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12<sup>th</sup> day of June, 1995 that the Petition for Variance seeking relief from Section 1A01.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling height of 47 feet in lieu of the maximum permitted 35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to a single family residence in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. The Petitioners shall not allow or cause the proposed structure to be converted for commercial use.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECALLED FOR FILING  
Date 11/12/15  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 12, 1995

(410) 887-4386

Dr. & Mrs. Melvin Duckett  
P.O. Box 178  
Phoenix, Maryland 21131

RE: PETITION FOR VARIANCE  
N/S Bacon Hall Road, 1400' E of the c/l of Gillett Road  
(900 Bacon Hall Road)  
7th Election District - 3rd Councilmanic District  
Melvin Duckett, et ux - Petitioners  
Case No. 95-351-A

Dear Dr. and Mrs. Duckett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Tim Sanders, Sanders Designs  
108 W. Timonium Road, Timonium, Md. 21093

Ms. Kristen Forsyth, The Valleys Planning Council  
P.O. Box 5402, Towson, Md. 21285-5402

Mr. Tim Mullan  
1620 Cold Bottom Road, Sparks, Md. 21152

People's Counsel  
Case File



RE: PETITION FOR VARIANCE  
900 Bacon Hall Road, N/S Bacon Hall Rd,  
1400'+/- E of c/l Gillett Road, 7th  
Election District, 3rd Councilmanic

Dr. Melvin Duckett and Kathy Duckett  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 95-351-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26<sup>th</sup> day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to Tim Sanders, Sanders Designs, 108 W. Timonium Road, Timonium, MD 21093, representative for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 900 Bacon Hall Road

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A01.3.A

To allow a structure (dwelling) with a height of 47 feet in lieu of the maximum required 35 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty - restricted height would impact the architectural design appropriateness of the project. Location of proposed dwelling on owner's property is such that the requested height variance should not impact upon neighboring properties.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalty of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Dr. Melvin Duckett

(Type or Print Name)

Signature

Kathy Duckett

(Type or Print Name)

Signature

P.O. Box 178 410-771-9024

Address

Phone No.

Phoenix, Maryland 21131

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Tim Sanders

Sanders Designs

Name

108 W. Timonium Rd. 410-560-2624

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

4/4/95

ORDER RECEIVED FOR FILING

Date

By

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

95-351-17

District 2nd Date of Posting 4/21/95

Posted for: VARIANCE

Petitioner: Dr. Melvin & Kathy Duckett

Location of property: 900 Bacon Hall Rd, N/S

Location of Signs: Facing road way on property facing road

Remarks: \_\_\_\_\_

Posted by M. Duckett Date of return: 4/28/95

Signature

Number of Signs: 1



UNRECORDED

# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-351-A  
(Item 342)  
900 Bacon Hall Road  
N/S Bacon Hall Road  
1400' +/- E of c/1 Giffert Road  
7th Election District  
3rd Councilmanic  
Legal Owner(s):  
Dr. Melvin Duckett and  
Kathy Duckett  
Hearing: Tuesday,  
May 9, 1995 at 9:00 a.m.  
in Rm. 108, County Office Building.

Variance to allow a structure (dwelling) with a height of 65 feet in lieu of the maximum required 35 feet.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.  
4/235 April 20.

# CERTIFICATE OF PUBLICATION

TOWSON, MD., April 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 20, 1995.

THE JEFFERSONIAN,

*A. Henrickson*

LEGAL AD. - TOWSON

*Publication*

MAILED 100 APR 21 1995

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 158730

DATE July 14, 1995 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: The Valley Planning Council, Inc.

FOR: Appeal 900 Bacon Hall Road  
Case No. 95-351-A

**MICROFILMED**

03/01/2001 13:41:00  
NO. 10122 SEP 07/14/95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER





City of Baltimore  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt  
95-351-A

Account: R-001-6150

Number # 342

Date

4/4/95

Taken by: JPF

DUCKETT - 300 Bacon Hall Rd.

OIO - VARIANCE - \$50.00

O&O - SIGN - \$35.00

\$85.00

MICROFILMED

U.S. GOVERNMENT PRINTING OFFICE

50-106

Please Make Checks Payable To: Baltimore County

NO. 100-100-100-100-100

95 JUL 20 5:10:16

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

95-351-17

District 7th Date of Posting 7/21/95

Posted for: Appeal

Petitioner: Melvin Duckett, Jr.

Location of property: 900 Bacon Hall Rd, N/S

Location of Signs: Facing 900 Hwy, on property being appealed for zoning

Remarks:

Posted by [Signature] Date of return: 7/28/95

Number of Signs: 1



100-100-10000

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 342

Petitioner: Dr. & Mrs. Melvin Duckett

Location: 900 Bacon Hall Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Dr. & Mrs. Melvin Duckett

ADDRESS: P.O. Box 178

Phoenix, MD 21131

PHONE NUMBER: 410-771-9024

AJ:ggs

(Revised 04/09/93)



100-1111111111

TO: PUTUXENT PUBLISHING COMPANY  
April 20, 1995 Issue - Jeffersonian

Please forward billing to:

Dr. & Mrs. Melvin Duckett  
P. O. Box 178  
Phoenix, MD 21131  
771-9024

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-351-A (Item 342)  
900 Bacon Hall Road  
N/S Bacon Hall Road, 1400'+/- E of c/l Gillett Road  
7th Election District - 3rd Councilmanic  
Legal Owners: Dr. Melvin Duckett and Kathy Duckett  
HEARING: TUESDAY, MAY 9, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to allow a structure (dwelling) with a height of 65 feet in lieu of the maximum required 35 feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 17, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-351-A (Item 342)

900 Bacon Hall Road

N/S Bacon Hall Road, 1400' +/- E of c/l Gillett Road

7th Election District - 3rd Councilmanic

Legal Owners: Dr. Melvin Duckett and Kathy Duckett

HEARING: TUESDAY, MAY 9, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to allow a structure (dwelling) with a height of 65 feet in lieu of the maximum required 35 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Dr. & Mrs. Melvin Duckett  
Tim Sanders

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



RECORDED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

August 7, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-351-A

MELVIN DUCKETT, ET UX  
N/s Bacon Hall Road, 1400' E of c/l Gillett  
Road (900 Bacon Hall Road)  
7th Election District  
3rd Councilmanic District

VAR -Dwelling height of 47' in lieu of maximum  
35' (1A01.3A)

6/12/95 -D.Z.C.'s Order in which Petition for  
Variances is GRANTED with restrictions.

ASSIGNED FOR: TUESDAY, NOVEMBER 21, 1995 at 10:00 a.m.

cc: John Bernstein, Executive Director  
Valleys Planning Council

Appellant /Protestant

Dr. & Mrs. Melvin Duckett  
Mr. Tim Sanders  
Sanders Designs

Petitioners

Mr. Tim Mullin

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer  
Administrative Assistant



CASE NO. 95-3519A

MELVIN DUCKETT, ETUX

N/s Bacon Hall Road, 1400' E of the c/l  
of Gillett Road  
(900 Bacon Hall Road)

7th District

Appealed: 7/11/95

*94 90 June*  
Appraisal Report of

COLD BOTTOM ROAD AT YEOHO ROAD

Sparks, Maryland 21152

May 15, 1989 14

Prepared by

KERN REALTY & APPRAISING, INC.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 4, 1995

Dr. and Mrs. Melvin Duckett  
P. O. Box 178  
Phoenix, Maryland 21131

RE: Item No.: 342  
Case No.: 95-351-A  
Petitioner: Dr. M. Duckett, et ux

Dear Dr. and Mrs. Duckett:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

FROM: Dick Seim - Building Plans Review

SUBJECT: Item No. (342) on the ZAC agenda for April 24, 1995  
entitled "Variance to allow a structure (dwelling)  
with a height of 65 feet in lieu of the maximum  
required 35 feet."

The applicable building code in Baltimore County for a dwelling is the CABO 1 and 2 Family Dwelling Code/1992 Edition or the BOCA National Building Code/1993

The CABO in Section R-103 entitle "Scope" states:  
The provisions of this code apply to the construction, prefabrication, alteration, use, occupancy and maintenance of detached one or two family dwellings and one-family townhouses not more than 3 stories in height, and their accessory structures. The above subject residence is therefore not addressed by this code.

The BOCA Building Code does address the above subject residence and therefore is applicable.

Article 5 therein, entitled "General Building Limitations," specifically Section 503-Table 503, specifies the type of construction that is required for a dwelling based on the use group (R-3 in this case), height and area. This and all other requirements of this code for an "R-3 use" would apply.

If you have any questions, please do not hesitate to call me at 410-887-3987.

RECEIVED

APR 24 1995

ZADM

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
May 1, 1995

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #342 - Duckett Property  
900 Bacon Hall Road  
Zoning Advisory Committee Meeting of April 17, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

Prior to approval of site for a dwelling unit not served by public water or sewerage, a soil percolation test must be completed which demonstrates suitability of the soils to treat septic waste. Additionally, upon approval of soil percolation tests and prior to approval of a building permit for a dwelling, a well must be drilled which meets the minimum standard of one (1) gallon per minute (GPM) recovery yield.

There is no evidence that the above steps have been completed.

✓  
JLP:TE:sp

DUCKETT/DEPRM/TXTSBP

RECEIVED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: April 20, 1995

SUBJECT: Variance Requests

INFORMATION:

Item Numbers: 341, 342, 345, 348, 349, and 351

SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by:

Division Chief:

PK/JL

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director            DATE: April 24, 1995  
     Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
     Developers Engineering Section

RE:    Zoning Advisory Committee Meeting  
     for April 24, 1995  
     Items 341, 342, 344, 345, 346, 347, 348, and 351

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/19/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 17, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 341, 342, 344, 345,  
347, 348, 349, 350 AND 351.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4281, MS-1102F

cc: File



Printed on Recycled Paper

MICROFILMED



**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

4-14-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 342 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RECORDED

95-351-A

**#342 --- JRF**

1. No item number on petition forms.

**#344 --- MJK**

1. No telephone number for legal owner.

**#350 --- MJK??/JCM??**

1. Who took in petition? MJK signed petition form; JCM signed receipt.
2. No original copy of receipt in folder; just xerox. Where is receipt?

**#351 --- JJS**

1. Notary section is incorrect/incomplete.

1. *Pharmaceuticals* (1998) 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842,



Baltimore County Government  
Department of Permits and Licenses



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3610

July 14, 1995

Dr. and Mrs. Melvin Duckett  
P.O. Box 178  
Phoenix, Maryland 21133

RE: Petition for Variance  
N/S Bacon Hall Road, 1400 ft. E  
of the c/l of Gillett Road  
(900 Bacon Hall Road)  
7th Election District  
3rd Councilmanic District  
Melvin Duckett, et ux-Petitioner  
Case No. 95-351-A

Dear Dr. and Mrs. Duckett:

Please be advised that an appeal of the above-referenced case was filed in this office on July 11, 1995 by John Bernstein, the Valleys Planning Council, Inc. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3353.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON  
Director  
Department of Permits and  
Development Management

AJ:bb

cc: Mr. Tim Sanders  
Mr. Tim Mullan  
People's Counsel

11/11/95



APPEAL

Petition for Variance  
N/S Bacon Hall Road, 1400 ft.  
E of the c/l Gillett Road  
(900 Bacon Hall Road)  
7th Election District - 3rd Councilmanic District  
Melvin Duckett, et ux-PETITIONER  
Case No. 95-351-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Plat to Accompany Petition for Variance (not marked as exhibit)

One Photograph

Letter to Zoning Commissioner from John Bernstein dated April 26, 1995

Deputy Zoning Commissioner's Order dated June 12, 1995 (Granted)

Notice of Appeal received on July 11, 1995 from John Bernstein, The  
Valleys Planning Council

cc: John Bernstein, The Valleys Planning Council, Inc., 212  
Washington Avenue, P.O. Box 5402, Towson, Maryland 21285  
Dr. and Mrs. Melvin Duckett, P.O. Box 178, Phoenix, Maryland 21131  
Mr. Tim Sanders, Sanders Designs, 108 W. Timonium Road, Timonium,  
Maryland 21093  
Mr. Tim Mullin, 1620 Cold Bottom Road, Sparks, Maryland 21152  
People's Counsel of Baltimore County, M.S.. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning  
Timothy M. Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

MICROFILMED

APPEAL

Petition for Variance  
N/S Bacon Hall Road, 1400 ft.  
E of the c/l Gillett Road  
(900 Bacon Hall Road)  
7th Election District - 3rd Councilmanic District  
Melvin Duckett, et ux-PETITIONER  
Case No. 95-351-A

**\*\*AMENDED\*\***

Protestant's Exhibit(s) 1 - Development Plan of the Grimes Property

Three Board Exhibits for the New Residence for Dr. & Kathy Duckett

cc: John Bernstein, The Valleys Planning Council, Inc., 212  
Washington Avenue, P.O. Box 5402, Towson, Maryland 21285  
Dr. and Mrs. Melvin Duckett, P.O. Box 178, Phoenix, Maryland 21131  
Mr. Tim Sanders, Sanders Designs, 108 W. Timonium Road, Timonium,  
Maryland 21093  
Mr. Tim Mullin, 1620 Cold Bottom Road, Sparks, Maryland 21152  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning  
Timothy M. Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

RECORDED

8/07/95 -Notice of Assignment for hearing scheduled for Tuesday,  
November 21, 1995 at 10:00 a.m. sent to following:

John Bernstein, Executive Director  
Valleys Planning Council  
Dr. & Mrs. Melvin Duckett  
Mr. Tim Sanders  
Sanders Designs  
Mr. Tim Mullin  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

---

11/21/95 -Hearing concluded this date. To be scheduled for public  
deliberation.

---

12/01/95 -Rule 8 papers filed by Valleys Planning Council.

---

2/09/96 -Notice of Deliberation sent to parties; scheduled for Thursday,  
March 7, 1996 at 9:00 a.m. Copies also to R.C.B.

---

3/04/96 -Letter from P. Zimmerman regarding Turkey Point case and  
application of holding in same to this proceeding (submittal of  
this letter was granted at conclusion of hearing /prior to oral  
closing).

REC'D



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

February 9, 1996

## NOTICE OF DELIBERATION

Having concluded this case on November 21, 1995, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

MELVIN DUCKETT, ET UX -Petitioners  
CASE NO. 95-351-A

DATE AND TIME : Thursday, March 7, 1996 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

---

cc: John Bernstein, Executive Director  
Valleys Planning Council

Appellant /Protestant

Dr. & Mrs. Melvin Duckett  
Mr. Tim Sanders  
Sanders Designs

Petitioners

Mr. Tim Mullin

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco  
Administrative Assistant

Copied: R.C.B.



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Melvin Duckett, et ux  
Case No. 95-351-A

DATE : March 7, 1996 @ 9:10 a.m.

BOARD /PANEL : Robert O. Schuetz (ROS)  
Charles L. Marks (CLM)  
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco  
Administrative Assistant

Those present at this deliberation included John Bernstein, Executive Director, The Valleys Planning Council; and Carole S. Demilio, Deputy People's Counsel for Baltimore County.

ROS: Good morning, ladies and gentlemen. We are here on Case No. 95-351-A, Melvin Duckett, et ux. The purpose is to deliberate the matter in conformance with the open meetings law. I will go first.

I think it's a pretty simple cut-and-dried case. This is a Petition for Variance. The record will reflect that I gave Dr. Duckett no less than two chances, possibly three, to illustrate for the Board how his property meets the test pursuant to Cromwell v. Ward. I also gave him a few opportunities to continue the matter so that he could come back better prepared. Instead, opting on his request to press forward, I found nothing unique about this property which would lead the Board to believe it's necessary to provide a variance. Nor do I see any opportunity for any hardship in this particular matter either. Therefore, I would deny the variance.

(Noted at this point that he had just received notice that Dr. Duckett was on his way.)

HEB: It's a fantastic residence; a most impressive structure it seems. But as the Chairman has said, there's really no merit in granting variance he requests. I think with a 35-foot height, a very substantial, attractive mansion, manor house, whatever, can be put on this site without the variance, and it should be denied.

CLM: In reaching a decision on this variance, I had the opportunity to review the file, notes at the hearing of November 21, and various exhibits offered into evidence and identification. Petitioner elected to appear in a de novo hearing and presented his case in exemplary manner as to why variance

RECORDED

Deliberation /Melvin Duckett, et ux /95-351-A

should be granted by the Board; only element missing was relative to legal aspects that govern in such cases; request is for a variance from 1A01.3A of the zoning regulations to permit height of 65' instead of permitted 35'. In actuality, the correct measurement is from the peak of the roof and not from the top of the cupola. It appears to be 47' and not 65'.

Section 307.1 sets forth the requirements for granting of variance. Such variance can only be granted in situations where special circumstances or conditions exist peculiar to the land or structure which is the subject of the variance request, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. Additionally, if the variance is granted, it must be in strict harmony with the spirit and intent of height and area regulations, and only without injury to the health, safety and general welfare. There is no other power to grant.

And if the Board should grant the variance, needs to be stated findings of fact setting forth the reasons. Maryland courts have provided guidance in recent years. Questions are as follows: Whether special conditions exist; Special circumstances related to hardship; Hardship not generally shared by other properties; Is property unusual in topography, by shape or size; Is it the uniqueness of the land or the plight of the owner that is the problem?

This property consists of 237+ acres. The valley area contains varying parcels of greater and lesser land usage; some lots containing 300 or greater acreage. Testimony proffered indicated that such property was quite typical of entire valley; nothing inherently unusual or unique. The average structure height is 20 to 25 feet. There are no other structures exceeding height restrictions in the area. Argument was advanced by Appellants - to preserve and protect the area; must be overcome to grant variance. Restrictions on Petitioner's property do not solely apply to Dr. Duckett, but all properties in the area.

If a hardship is present, it's not imposed by the subject site but rather by the building plans themselves. It is difficult to believe that a lending institution would deny financing because of height restrictions, when site already gains an imposing view of surrounding neighborhood and such large acreage. The Petitioner has not demonstrated that the property suffers any unusual or singular disadvantage not commensurate to other properties in the area. Reversal would lie in legislative change. The variance request should be denied.

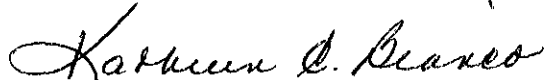
Deliberation /Melvin Duckett, et ux /95-351-A

ROS: We are unanimous. The written decision will come out from the Board at some future date; not necessarily today. But any Petition for Judicial Review should come from the date of that Order and not today's date. Thank you.

(Petition for Variance DENIED.)

\* \* \* \* \*

Respectfully submitted,



---

Kathleen C. Bianco  
Administrative Assistant





# Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Court House  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

*Rec'd 12/6/93*

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

MEMORANDUM TO: All Civic Associations      DATE: June 22, 1993

FROM : People's Counsel for Baltimore County

SUBJECT : Appearance before the Board of Appeals as  
Representative of a Civic Association

Attached to this memorandum is a copy of Rule 8 of the Rules of Practice and Procedure of the County Board of Appeals which governs the appearance before the Board of representatives of civic or improvement associations.

This rule requires the following:

1. That the person who testifies can describe accurately the number of members in the association and the geographic limits of the association; and
2. That the person is authorized to speak for and present the views of the association. This second requirement can only be met by:
  - a. A resolution (in duplicate) adopted by the association at its annual meeting or first meeting of the year\* signed by the president and attested by the secretary. This resolution must state that the responsibility for review and action of all zoning matters is placed in the board of directors or a duly elected zoning committee; and
  - b. A written affidavit (in duplicate) signed by the president of the association and attested by the secretary that he is currently a duly elected member of the board of directors or zoning committee of that association, or is an attorney appointed to represent the board of directors or zoning committee; and
  - c. A resolution (in duplicate) adopted by the board of directors or zoning committee signed by the president and attested by the secretary stating the position of the association.

(\*or at a  
special  
meeting)

For your assistance, we have also attached sample resolutions and affidavits which may be used by your association. They have been reviewed by the Board of Appeals for form, but, of course, the substance remains the responsibility of the community association.

*Peter Max Zimmerman*  
\_\_\_\_\_  
Peter Max Zimmerman  
People's Counsel for Baltimore County

Enclosures

Valleys Planning Council ASSOCIATION

RESOLVED: That at the Annual meeting of the  
Valleys Planning Council Association held on  
June 6<sup>th</sup>, 1995, it was decided by the  
Association that responsibility for review and action on all zoning  
matters for the period 1995 be  
placed in the (Board of Directors) (Zoning Committee) consisting of  
the following members:

see attached.

AS WITNESS OUR HANDS AND SEAL THIS 10<sup>th</sup> day of  
November, 1995.

ATTEST:

Valleys Planning Council Association

[Signature]  
Secretary

Richard B. Buck  
President

Valleys Planning Council ASSOCIATION

RESOLVED: That the position of the Valleys  
Planning Council Association as adopted by the (Board  
of Directors) (Zoning Committee) on the zoning matter known as:

Bacon Hall Variance - Melvin  
Duke.

is that:

The Variance shall be opposed  
by the Valleys Planning Council

AS WITNESS OUR HANDS AND SEAL THIS 10<sup>th</sup> day of  
November, 19 95.

ATTEST:

R. J. [Signature]  
Secretary

Valleys Planning Association  
Richard B. Buck  
President

RECORDED

AFFIDAVIT

STATE OF MARYLAND  
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a <sup>Executive</sup> Director  
duly elected member of the (Board of Directors) (Zoning Committee)  
of the Valleys Planning Council Association.

John Bernsten

ATTEST:

Valleys Planning Council Association

R  
Secretary

Richard B. Buck  
President

DATE: 11/20/95

**EXCERPT FROM RULES OF PRACTICE AND PROCEDURE OF  
COUNTY BOARD OF APPEALS**

**Rule 8. Special rule pertaining to persons appearing before the board as representatives of civic or improvement associations.**

a. Before any person shall testify on behalf of any civic or improvement association, it shall be shown that he has accurate knowledge of the number of members in the association and geographical limits of the association.

b. Before any such person shall testify it shall also be shown that he is authorized to speak for and present the views of the civic or improvement association.

c. Such authorization shall consist of presenting at the hearing or prior thereto a resolution in duplicate duly adopted by the association at its annual meeting or first meeting of each year, signed by the president and attested by the secretary, providing that the responsibility for review and action on all zoning matters be placed in its board of directors or a duly elected zoning committee.

d. Before any such authorized person shall testify, it shall be shown by written affidavit in duplicate, signed by the president of the association and attested by the secretary, that he is currently a duly elected member of the board of directors or zoning committee of that association, or is an attorney appointed to represent the board of directors or zoning committee.

e. Before any such authorized person shall testify, a resolution stating the position of the association as adopted by the board of directors or zoning committee, signed by the president and attested by the secretary, shall also be produced in duplicate at the hearing.



**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

CAROL S. DEMILIO  
Deputy People's Counsel

March 4, 1996

Mr. Robert O. Schuetz, Chairman  
Board of Appeals of Baltimore County  
Room 49 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Hand-delivered

Re: 900 Bacon Hall Road, N/S Bacon Hall  
Rd, 1400'+/- E of c/l Gillett Road,  
7th Election Dist., 3rd Councilmanic  
MELVIN DUCKETT, ET UX., Petitioners  
Case No. 95-351-A

Dear Chairman Schuetz:

At the conclusion of the hearing and prior to oral closing argument, our office requested permission to elect to submit written comments concerning the application of the holding in Turkey Point Property Owners Association, Inc. v. Anderson.

The parties were advised of this Court of Special Appeals case immediately prior to the Board hearing. Our office had not had an opportunity to obtain or read the opinion.

You agreed to accept written comments on this issue. You also indicated the Board is seeking an opinion from the Office of Law as to whether this decision applies to hearings before the Board of Appeals.

In Turkey Point, a non-attorney filed an order of appeal and Memorandum in the Circuit Court on behalf of a community association. The individual also presented oral argument at the Circuit Court. The opinion focused on representation and participation of the community association before the Circuit Court.

In the instant case, Valleys Planning Council, Inc. (VPC) participated at the hearing before the Deputy Zoning Commissioner. VPC noted an appeal to the County Board of Appeals in compliance with BCZR Section 500.10, which states:

MICROFILMED

Mr. Robert O. Schuetz, Chairman  
Board of Appeals of Baltimore County  
March 4, 1996  
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"Any person or persons, jointly or severally, or any taxpayer or any official, department, board or bureau of Baltimore County, feeling aggrieved by any decision of the zoning commissioner shall have the right to appeal therefrom to the board of zoning appeals. Notice of such appeal shall be filed, in writing, with the zoning commissioner within ten days from the date of any final order appealed from. Such appeals shall be heard and disposed of by the board of zoning appeals as hereinafter provided." (Footnotes omitted.)

(See also Baltimore County Code, Section 26-132, attached.)

BCZR Appendix G Rule 4 sets forth the procedure to conduct hearings before the Board of Appeals.

BCZR Appendix G Rule 6(a) addresses Appearance and Practice before the Board, and states:

"Any individual who is a party to a proceeding before the board may appear in his own behalf; any member of a partnership may appear as representing said partnership if it is a party; a duly authorized officer of a corporation, trust or an association may appear as representing said body if it is a party to the proceedings; and a duly authorized officer or an employee of any political subdivision or body or department may represent the same in any proceeding before the Board."

BCZR Rule 8 permits community associations to participate in Board hearings with a designated representative.

Thus, VPC was authorized to file an appeal of the Zoning Commissioner's decision and to participate through a representative at the Board hearing.

Our office is authorized to appear and participate in zoning matters before the Board of Appeals. See Baltimore County Charter Section 524.1.

The Deputy People's Counsel conducted the Protestants' case at the hearing in the instant case. The authorized representative from VPC testified on the organization's position in the case.


Therefore, in compliance with Turkey Point, a licensed attorney conducted direct examination of the VPC witness, cross examination of the Petitioner, and presented opening and closing legal arguments.

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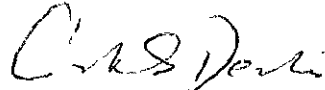
Mr. Robert O. Schuetz, Chairman  
Board of Appeals of Baltimore County  
March 4, 1996  
Page Three

If the Board of Appeals should determine that a corporation or association must be represented by counsel at Board hearings, it is submitted that the facts in the instant case do not violate the holding in Turkey Point. An attorney conducted the hearing of an appeal lawfully filed in accordance with the Baltimore County Code.

Very truly yours,



Peter Max Zimmerman  
People's Counsel for Baltimore County



Carole S. Demilio  
Deputy People's Counsel

PM2/CSD/caf

cc: Dr. and Mrs. Melvin Duckett

Mr. Tim Sanders, Sanders Designs

Mr. John Bernstein, Executive Director  
Valleys Planning Council

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.



(b) The zoning commissioner shall furnish with reasonable promptness a copy of any paper or record in his office to any person applying for same upon payment in advance of the sum of fifty cents (\$0.50) per page or as otherwise established by the administrative officer for transcribing, photographing, or otherwise reproducing such paper. Such reproduction when so made and certified under the seal of the zoning commissioner shall be evidence in any court or before any county board, commission, or official.

(c) The zoning commissioner shall permit any resident of the county or representative of the press to inspect and examine, as soon as received for filing or at any time thereafter, all papers filed in the zoning commissioner's office and to make memoranda or notes therefrom for any lawful purpose whatsoever, without payment of fees therefor, and also to examine the records and indexes in his office, free of charge. It shall be the duty of the zoning commissioner to afford such person immediate access to such papers or records and a full opportunity to examine the same and make memoranda therefrom.

(d) All records kept by the zoning commissioner shall be open to inspection by the county executive or any member of the county council at all reasonable times, whether or not such records are required to be kept by statute or ordinance. The zoning commissioner is authorized, in his discretion, to permit other county officials to remove a zoning file from his office; provided such official signs a regular receipt book to be kept by the zoning commissioner as a permanent record which shall show the date and time that such file is taken and returned. When the file is returned, the receipt book must be signed by the person who had withdrawn the file and countersigned by the zoning commissioner or his deputy.

(e) Nothing contained in this title or elsewhere shall prevent the zoning commissioner from transferring any file in his official custody to the board of appeals or to any circuit court or to the state court of appeals while review of proceedings is pending, and upon making such transfer the zoning commissioner is hereby relieved from any duties or responsibilities in connection therewith until such file is returned to him.

(f) The provisions of this section shall be executed by the deputy zoning commissioner as well as the zoning commissioner, and they may delegate to their chief clerk the performance of the daily duties and responsibilities in connection therewith.

(Code 1978, § 22-30; Bill No. 18, 1990, § 2; Bill No. 4, 1992, § 1)

#### **Sec. 26-132. Appeals to county board of appeals.**

(a) Any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by any decision or order of the zoning commissioner or the director of zoning administration and development management shall have the right to appeal therefrom to the county board of appeals. No official, office, department, or board of the county aggrieved or feeling aggrieved by any decision of the zoning commissioner shall have the right to appeal therefrom to the county board of appeals without the prior approval of the administrative officer and the county attorney. People's counsel is not subject to such prior approval. Notice of such appeals shall be filed, in writing, with the director within thirty (30) days from the date of any final order appealed, together with the required fee as provided in the zoning regulations. Such appeals shall be heard and disposed of by the county board of appeals as may be provided in the Charter and the board's own rules of procedure. Any reclassification when granted by the county board of appeals shall, in the absence of an appeal therefrom, have the force and effect of law.

(b) For purposes of this section, the term "person aggrieved or feeling aggrieved" includes a duly constituted civic, improvement, or community association if:

- (1) The property or issue which is the subject of the final order being appealed is:
  - a. Located within the geographic limits of the association, said limits to be defined and determined by the first of the following criteria found applicable:
    1. If incorporated, any geographic description contained in the associa-

- tion's corporate articles, bylaws, charter, or similar document;
2. If not so incorporated, by any metes and boundaries description for the association contained in any zoning map, plat, or similar document on file at the county department of public works, the land records office of the county, or at some other county governmental agency or department;
  3. If no such description exists, by any street, road, or thoroughfare description for the association contained in any zoning map, plat, or similar document on file in the county department of public works, the land records office of the county, or at some other county governmental agency or department; or

- b. The property or issue is of such a nature and kind as to be within the association's discernable and assessable tax base if such exists; or of such a nature as to personally and specifically affect, damage, or impact the members of the association in a way different from that suffered by the members of any other associations or in a way different from a general interest such as is the concern shared by the public in general; or of such a nature or type as to give the members of the association a valid and discernible property interest therein or right thereto.

- (2) The association complies with the rules of procedure of the board.

(Code 1978, § 22-32; Bill No. 18, 1990, § 2; Bill No. 116, 1990, § 2; Bill No. 4, 1992, § 1)

**Annotations**—Remedy provided under title 34 of 1958 Code held to be an alternative to that afforded by this section, at least where it is affirmatively alleged that the planning board has violated zoning regulations and that a violation of either the zoning or the subdivision regulations was subject to an injunction under title 34. *Lynn v. Goldman*, 216 Md. 562, 141 A.2d 172 (1958).

County council need not follow the recommendations of the planning board, and need not have any further or additional hearing in regard to any changes or amendments the county

council may see fit to make. *Swathmore Company v. Kaestner*, 258 Md. 517, 266 A.2d 341 (1970).

The people's counsel has the right to appeal zoning decisions. *People's Counsel for Baltimore County v. Williams*, 45 Md. App. 617, 415 A.2d 585 (1974).

## **Sec. 26-133. Appeals from the county board of appeals.**

Appeals from the county board of appeals to the courts may be taken in the manner provided in article VI of the Charter.  
(Code 1978, § 22-33)

**Annotations**—This section (34-7, 1958 Code) directs that the court of appeals shall not award cost of the appeal against any party to the appeal except the appellant. *Kroen v. Board of Zoning Appeals of Baltimore County* 209 Md. 420, 121 A.2d 181 (1956).

The adoption of a new land use may have caused issuance of the appeal to become moot. This section directs that the court of appeals should not award cost of the appeal against any party to the appeal except the appellant. *Lake Falls Assn. v. Board of Zoning Appeals of Baltimore County*, 209 Md. 561, 121 A.2d 809 (1956); *Grau v. Board of Zoning Appeals of Baltimore County*, 210 Md. 21, 122 A.2d 825 (1956); *Hardesty v. Board of Zoning Appeals of Baltimore County*, 211 Md. 174, 126 A.2d 621 (1956).

Cited in *Prince George's County v. Donohue*, 220 Md. 372, 152 A.2d 560 (1959).

Construed in *Renz v. Bonfield Holding Co.*, 223 Md. 34, 158 A.2d 615 (1960).

This section before amendment provided that in the appeal of zoning cases "the court of appeals shall not award cost of the appeal against any party to the appeal except the appellant." Maryland Rule 882a provides that in all cases in the court of appeals "the awarding of costs shall be in the discretion of this court, but unless it is otherwise ordered by this court, costs shall be awarded against the losing party." Held, that Maryland Rule 882 applies. *Reese et al. v. Mandel et ux.*, 224 Md. 121, 167 A.2d 111 (1961).

Referred to in *Renz v. Bonfield Holding Co.*, 223 Md. 34, 158 A.2d 615 (1960).

A person who was not a party to a proceeding before the board of appeals has no standing to appeal from an order entered by the board of appeals. *Hitzrot v. County Board of Appeals*, 262 Md. 297, 278 A.2d 11 (1971).

## **Sec. 26-134. Correction of zoning map.**

- (a) The owner of any property may give written notice to the director of planning and zoning that the zoning map last enacted by the county council does not accurately reflect the final zoning classification imposed by the council on the owner's property during the last or prior comprehensive

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LIBER 9818 PAGE 00

9306-AD

BEAVIN COMPANY  
April 8, 1993

**DESCRIPTION OF  
ELISE GILLET BOYCE PROPERTY  
a.k.a. Bacon Hall Farm  
Located near Sparks  
5th & 7th ELECTION DISTRICTS  
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at a point on the western right-of-way of Interstate 83, a.k.a. Baltimore-Harrisburg Expressway, a variable width right-of-way, at a point located 105' westerly along a radial line from southbound center-line station 563+00 as determined from State Highway Administration iron rods found at northbound centerline station 542+54.42 and station 587+03.60 and as conveyed to the State Roads Commission of Maryland by deed dated February 5, 1960 and recorded among the land records of Baltimore County in Liber 3665 at Folio 414 and shown on State Roads Commission Plats 21150, 21151, and 21152 and as conveyed to the State of Maryland to the use of The State Highway Administration of the Department of Transportation by deed dated April 24, 1972 and shown on State Roads Commission Plats 36715 and 36716 and on file at the State Highway Administration; said beginning point being also described as located at the point of beginning for the conveyance to Elise Gillet Boyce by deed dated September 22, 1981 and recorded in Liber 6331 at Folio 105.

Thence leaving the point of beginning and running reversely with the eighteenth through twenty-sixth courses of said Liber 6331 at Folio 105 and running with said western right-of-way of Interstate 83 the following nine courses and distances, as now surveyed and adjusted to reflect the Baltimore County Azimuth as determined from Baltimore County Traverse Stations 14912 and 14913;

1. South 36°18'51" East - 48.27';
2. South 55°45'50" East - 51.66';
3. South 39°44'29" East - 196.35';
4. South 26°12'36" East - 146.88';
5. South 26°06'49" East - 146.35';
6. South 21°33'56" East - 344.18';
7. South 18°35'13" East - 256.57' to a point of curvature;

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HEAVIN COMPANY  
April 8, 1993

Thence continuing with said right-of-way 102.59' along the arc of a non-tangent left circular curve having a radius of 3,955.10' and a long chord bearing and distance of;

8. South 25°39'23" East - 102.59';

Thence leaving said curve and continuing with said right-of-way;

9. South 22°18'57" East - 635.03' to a point located at the end of the second course of the conveyance to John W. Sievertz and Donna W. Sievertz, his wife, by deed dated July 17, 1985 and recorded in Liber 6966 at Folio 574;

Thence leaving said right-of-way of Interstate 83 and continuing reversely with the seventeenth through the fifteenth courses of Liber 6331 at Folio 105 and running with third through the fifth courses of said Liber 6996 at Folio 574 the following three courses and distances;

10. North 88°17'55" West - 92.93' to an iron rod found and passing over an iron rod found at a distance of 0.71' from the beginning of this course;

11. North 31°58'41" West - 159.41' to an iron rod found;

12. North 79°39'24" West - 222.04' to an iron rod found;

Thence leaving the outline of said Liber 6331 at Folio 105 and continuing with the sixth course of said Liber 6966 at Folio 574 and running reversely with a portion of the second course of the conveyance to Elise Gillet Boyce by deed dated February 15, 1955 and recorded in Liber 2655 at Folio 443;

13. South 10°20'24" East - 874.91' to a railroad spike found in the approximate centerline of Bacon Hall Road at the northeasternmost corner of the tract labeled "Area of Dedication" as conveyed to Baltimore County by deed dated September 8, 1981 and as shown on the plat of Lot 1 of the Elise Gillet Boyce Property recorded among the Plat Records of Baltimore County in Plat Book 48 at Folio 41;

Thence leaving the outline of said Liber 2655 at Folio 443 and Liber 6966 at Folio 574 and running with the northern and western lines of said "Area of Dedication" the following two courses and distances;

14. North 75°38'49" West - 713.32' to a railroad spike found in the approximate centerline of Bacon Hall Road at the northwesternmost corner of said "Area of Dedication";

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BEAVIN COMPANY  
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15. South 03°16'11" West - 877.56' to a concrete monument found at the southwesternmost corner of said Lot 1 - Elise Gillet Boyce Property and located on the northern line of Lot 2 as shown on the plat of Gillet Woods recorded in Plat Book 44 at Folio 68 and passing over a concrete monument found at the northwesternmost corner of said Lot 1 - Elise Gillet Boyce Property at a distance of 30.31' from the beginning of this course;

Thence leaving said southwesternmost corner and the outline of Lot 1 - Elise Gillet Boyce Property and running with the northern line said Lot 2 - Gillet Woods;

16. North 82°18'12" West - 724.21' to a concrete monument found at the common corner of Lot 1 and Lot 2 of said Gillet Woods and passing over an iron pipe found at a distance of 238.37' from the beginning of this course;

Thence leaving said common corner and the outline of said Lot 2 - Gillet Woods and running with the northern line of said Lot 1 - Gillet Woods;

17. North 82°17'31" West - 424.19' to an iron pipe found at the northwesternmost corner of said Lot 1 - Gillet Woods located on the eastern right-of-way of Cedar Grove Road, a 50' wide road right-of-way, as conveyed to the State Roads Commission of Maryland by deed dated June 11, 1956 recorded in Liber 2947 at Folio 444 as shown on State Roads Commission Plat 12048 on file at the State Highway Administration;

Thence leaving said northwesternmost corner and the outline of Lot 2 - Gillet Woods and running with said eastern right-of-way line of Cedar Grove Road the following two courses and distances;

18. North 10°57'59" West - 871.99' to an iron rod set;

19. North 73°07'27" East - 66.21' to an iron rod set on the southern right-of-way of Bacon Hall Road;

Thence continuing with said right-of-way of Cedar Grove Road across Bacon Hall Road;

20. North 22°47'01" East - 30.00' to an iron rod set on the northern right-of-way of said Bacon Hall Road at a point of curvature;

Thence continuing with said right-of-way of Cedar Grove Road along said northern right-of-way of Bacon Hall Road 134.04' along the arc of a non-tangent right circular curve having a radius of 194.01' and a long chord bearing and distance of;

21. North 49°52'36" West - 131.39' to an iron rod set on the eastern right-of-way of said Cedar Grove Road;

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Thence leaving said curve and said right-of-way of Bacon Hall Road and running with said eastern right-of-way of Cedar Grove Road the following two courses and distances;

22. North 10°57'59" West - 30.00' to an iron rod set;

23. North 22°16'34" West - 50.99' to an iron rod set on the eastern right-of-way of said Bacon Hall Road;

Thence leaving said eastern right-of-way of Bacon Hall Road and continuing with said right-of-way of Cedar Grove Road across said Bacon Hall Road;

24. South 79°02'01" West - 30.00' to iron rod set on the western right-of-way of said Bacon Hall Road and said Cedar Grove Road;

Thence leaving the right-of-way of said Bacon Hall Road and running with said right-of-way of Cedar Grove Road the following two courses and distances;

25. South 00°20'37" West - 50.99' to an iron rod set;

26. South 10°57'59" East - 278.06' to an iron rod found at the northeast-most corner of Lot 1 as shown on the Plat of Subdivision - Boyce Property recorded in Liber 8023 at Folio 491 as conveyed to Charles Cole and Linda C. Pabst by deed dated August 31, 1988 and recorded in Liber 8023 at Folio 489 located along the second course of the saving and excepting clause of the conveyance to The Vestry of Immanuel Parish, Baltimore County from Elise Gillet Boyce by deed June 29, 1964 and recorded in Liber 4322 at Folio 518; Thence leaving said right-of-way of Cedar Grove Road and running reversely with the remainder of said second course and the northern line of said Lot 1 - Boyce Property and running with the northern outline of the conveyance to Larry Richard Steranka by deed dated February 19, 1990 and recorded in Liber 8424 at Folio 634 and as shown on the plat of survey for Norma L. Buchanan recorded in Liber 5759 at Folio 932 and running reversely with a portion of the thirteenth course of said Liber 2655 at Folio 443;

27. South 67°54'31" West - 352.79' to an iron pipe found at the end of the second course of the conveyance to Norma L. Meier by deed dated April 28, 1976 and recorded in Liber 8537 at Folio 325 and located at the end of the twelfth course of said Liber 2655 at Folio 443;

Thence leaving said outline of Liber 8424 at Folio 634 and running with the northern outline of said Liber 8537 at Folio 325 and with the northern outline of the conveyance to Louis M. Bell and Densue Bell, his wife, by deed dated April 5, 1979 and recorded in Liber 6007 at Folio 52 and reversely with a portion of said twelfth course;

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BEAVIN COMPANY  
April 8, 1993

28. North 80°02'48" West - 274.99' to an iron pipe found at the beginning of the seventh course of the conveyance to John B. Merryman and Katherine W. Merryman, his wife, by deed dated June 16, 1981 and recorded in Liber 6297 at Folio 494;

Thence leaving said outline of Liber 6007 at Folio 52 and running with said seventh course of Liber 6297 at Folio 494 and running reversely with the remainder of said twelfth course of Liber 2655 at Folio 443;

29. North 79°54'49" West - 252.47' to a sandstone found at the end of said seventh course and the beginning of the eighth course of said Liber 6297 at Folio 494 and located at the end of the eleventh course of said Liber 2655 at Folio 443;

Thence running with said eighth course of Liber 6297 at Folio 494 and reversely with a portion of said eleventh course Liber 2655 at Folio 443;

30. North 23°23'12" West - 1542.61' to an iron pipe found at the southeasternmost corner of Lot 1 as shown on the plat of the Merryman Property recorded in Plat Book 49 at Folio 34 and located on the northern right-of-way of Cedar Grove Road as shown on said plat;

Thence leaving said right-of-way and running with the remainder of said eighth course of Liber 6297 at Folio 494 and the outline of said Lot 1 - Merryman Property and reversely with a portion of said eleventh course of Liber 2655 at Folio 443;

31. North 23°24'37" West - 871.59' to a stone found at the southeasternmost corner of Lot 6 as shown on the plat of Arden Valley Section Two recorded in Plat Book 50 at Folio 5 and the northeasternmost corner of said Lot 1 - Merryman Property and at the end of said eighth course of Liber 6297 at Folio 494;

Thence leaving the outline of said Lot 2 - Merryman Property and the outline of said Liber 6297 at Folio 494 and running with the eastern outline of said Lot 6 - Arden Valley Section Two and reversely with the remainder of said eleventh course of Liber 2655 at Folio 443;

32. North 22°48'08" West - 558.73' to an iron rod found at the southwesternmost corner of Lot 15 of said Arden Valley Section Two and at the end of the tenth course of said Liber 2655 at Folio 443;

Thence leaving the outline of said Lot 6 - Arden Valley Section Two and the outline of said Liber 2655 at Folio 443 and running with the southern outline of said Lot 15 - Arden Valley section Two;

33. North 71°04'18" East - 559.82' to an iron rod found at the southwesternmost corner of Lot 16 of said Arden Valley Section Two;

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BEAVIN COMPANY  
April 8, 1993

Thence leaving the outline of said Lot 15 - Arden Valley Section Two and running with the southern outline of said Lot 16 - Arden Valley Section Two;

34. North 71°04'18" East - 631.48' to an iron rod set at the southeasternmost corner of said Lot 16 - Arden Valley Section Two at a point located 383.12' southeast of an iron pipe found at the northeasternmost corner of said Lot 16 - Arden Valley Section Two;

Thence leaving said outline of Lot 16 - Arden Valley Section Two and running with a line computed to return to the outline of said Liber 2655 at Folio 443;

35. North 10°27'59" West - 4.32' to an iron rod found at the end of the second course of the third part of Liber 232 at Folio 168 description called for in the conveyance to The Maynard E. Harp Trust and The Rette E. Harp Trust by deed dated October 2, 1990 and recorded in Liber 8638 at Folio 533 located at the beginning of the tenth course of said Liber 2655 at Folio 443;

Thence running with the third and a portion of the fourth courses of said Liber 232 at Folio 168 and reversely with the ninth and eighth courses of said Liber 2655 at Folio 443;

36. South 58°28'18" East - 890.65' to an iron pipe found in a pile of flint stones and passing over an iron pipe found at a distance of 312.30' from the beginning of this course;

37. North 70°07'23" East - 440.35' to a concrete monument found at the end of the eighth course of said Liber 6331 at folio 105;

Thence leaving the outline of said Liber 2655 at Folio 443 and running with the remainder of the fourth course of said Liber 232 at Folio 168 and running reversely with said eighth course of Liber 6331 at Folio 105;

38. North 70°08'05" East - 575.51' to said right-of-way of Interstate 83 and passing over a stone found at the end of said fourth course of Liber 232 at Folio 168 at a distance of 375.09' and passing over an iron pipe found at a distance of 178.93' from the aforementioned stone found;

Thence leaving the outline of said Liber 8638 at Folio 533 and running with said right-of-way of Interstate 83 reversely with the seventh through the first courses of said 6331 at Folio 105 the following seven courses and distances;

39. South 15°07'34" East - 41.42';

40. South 34°40'37" East - 324.14';

41. South 37°40'11" East - 260.79';



95-351-A

LEER9818 SIES06

BEAVIN COMPANY  
April 8, 1993

9306-AD

42. South 45°37'32" East - 234.76';

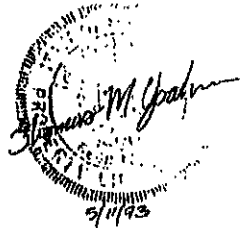
43. South 71°33'28" East - 55.96';

44. South 78°48'19" East - 62.99';

45. South 45°30'59" East - 48.72' to the point of beginning;

Containing 237.083 acres, more or less, as surveyed and described by Beavin Company, Engineers & Surveyors in March 1993.

Being all of the remaining portions of the conveyance from Herman Von Groning to Elise Oillet Boyce by deed dated February 15, 1955 and recorded among the Land Records of Baltimore County in Liber 2655 at Folio 443 and all of the remaining portions of the conveyance from The Vestry of Immanuel Parish, Baltimore County to Elise Oillet Boyce by deed dated August 1, 1968 and recorded among said Land Records in Liber 4904 at Folio 703 and all of the remaining portions of the conveyance from Tamas I. Charchalis and Tatjana N. Charchalis, his wife, by deed dated September 22, 1981 and recorded in Liber 6331 at Folio 105.



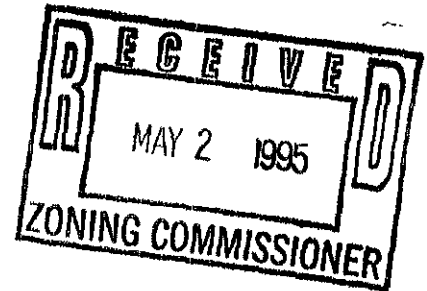
Time  
5/9

**THE VALLEYS  
PLANNING COUNCIL, INC.**

212 Washington Avenue  
P.O. Box 5402  
Towson, Maryland 21285-5402  
410-337-6877  
410-296-5409 (FAX)

April 26, 1995

Zoning Commissioner of Baltimore County  
Room 112  
Old Court House  
Towson, MD 21204



**RE: 900 Bacon Hall Rd, Case #95-351-A (Item 342)**

Dear Sir:

The Valleys Planning Council wishes to register its strong opposition to the requested height variance in this case. Cromwell v. Ward stated, re height variances:

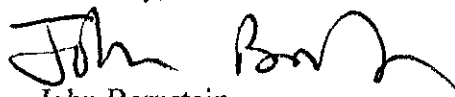
"The variance process. . . is at least a two step process. The first step requires a finding that the property whereon structures are to be placed. . . is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties. . . Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied. . ."

There is clearly nothing unique or unusual about the subject property; on the contrary, a glance at the tax map and at contour maps shows that it is a farm highly typical of the area both in size and in topography. This is corroborated by our own long experience with the property.

Further, we would point out that the farm lies in a National Register Historic District and that the proposed structure would form an unwelcome visual intrusion into that District.

Many thanks for your attention to this matter.

Sincerely,

  
John Bernstein  
Executive Director

cc: ZADM

**THE VALLEYS  
PLANNING COUNCIL, INC.**

212 Washington Avenue  
P.O. Box 5402  
Towson, Maryland 21285-5402  
410-337-6877  
410-296-5409 (FAX)

July 11, 1995

Arnold Jablon, Director  
ZADM  
111 W. Chesapeake Ave.  
Towson, MD 21204


Re: Petition for Variance  
N/S Bacon Hall Rd, 1400' E of the c/l of Gillett  
Rd. (900 Bacon Hall Road)  
7th Election District - 3rd Councilmanic District  
**Case #95-351-A**

Dear Mr. Jablon:

Please enter an appeal of the Valleys Planning Council, Inc., 212 Washington Ave., Towson, MD 21204; and Richard B. Buck, 11219 Greenspring Avenue, Lutherville, MD 21093 to the County Board of Appeals from the order dated June 12, 1995 of the Baltimore County Deputy Zoning Commissioner in the above case. Enclosed is our check for the filing fee.


Please forward to the Valleys Planning Council copies of any papers pertinent to this appeal as appropriate.

Very truly yours,

  
John Bernstein  
Executive Director

cc: Dr. and Mrs. Melvin Duckett  
P.O. Box 178  
Phoenix, MD 21131

Mr. Tim Sanders  
108 W. Timonium Road  
Timonium, MD 21093

  
JUL 11 1995  
ZADM

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Kristen Forsyth

The Valleys Planning Council

P.O. Box 5402, Towson, MD 21285

Tim MULLAN

1620 Coley Bottom Rd.

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Mr. Duckett  
TIMOTHY SANDERS

P.O. Box 178  
Phoenix AZ 85001  
108 W TIAONILIA RD  
ELITE 202  
TIAONILIA RD 21093

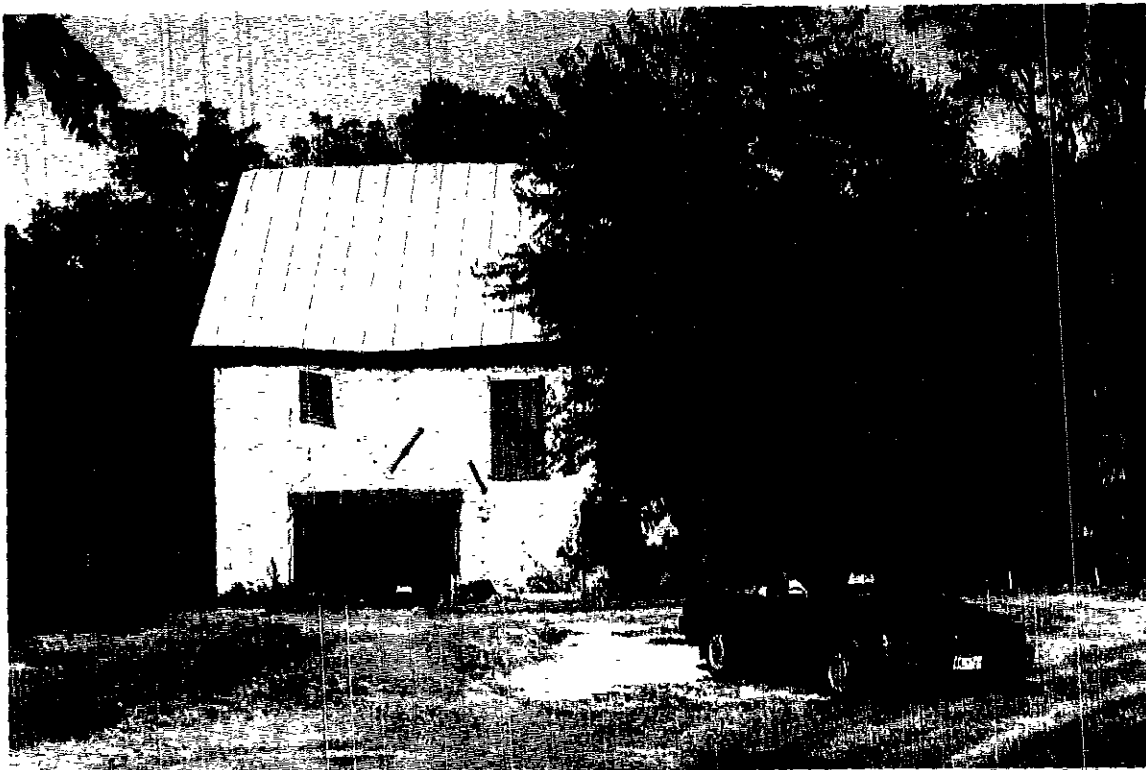


(PC#2)  
APP. EXH. # 2

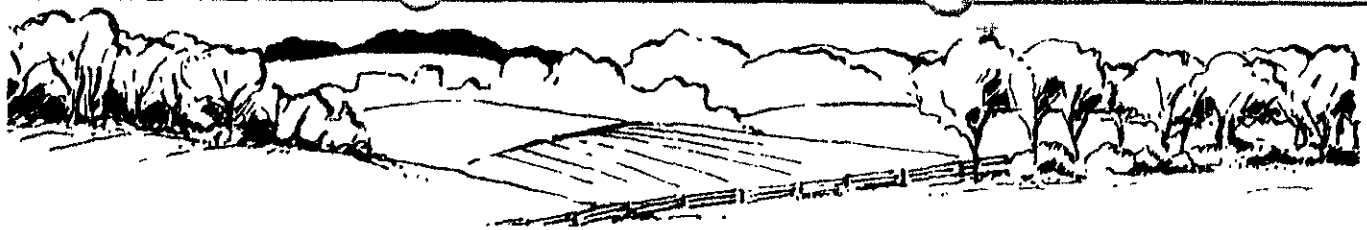


(dog. w/ 10/20/20)  
(interior view)

FRONTAL VIEW OF BACON HALL MANOR HOUSE



CARRIAGE HOUSE



## THE VALLEYS CONSERVATIONIST

THE VALLEYS PLANNING COUNCIL, INC.  
SPECIAL EDITION, AUTUMN 1994

### A Message to The Valleys from Tom Horton . . .

Just as our physical well-being is tied to the world in which we work and play and love, so is the state of the Chesapeake Bay intimately connected to a system extending from the ocean to lands drained by its tributary rivers as far away as New York and West Virginia, lands populated by some 15 million people. Its health is equally inseparable from the quality of the air above it and the great, invisible seepages of groundwater from beneath it. What the growing human population does to transform the land and puts in the air is as important as what it discharges directly into the water.

Imagine it this way: every last acre of forest remaining in Baltimore County, parks, nature centers and all, changed to housing. Or virtually every farm vanished, sown permanently in bedrooms for commuters.

Such scenarios represent the vast open space consumed in today's suburban sprawl by the 200,000 people who once fit into about one-quarter of Baltimore City.

Sprawl development is shown by study after study to raise taxes, waste energy, and increase pollution. Environmentally, economically, and aesthetically, it is a loser.

When we ride or hike through the lands of the bay region, we still see a great deal of farm and forest. But if we could overlay these in our minds with the subdivision and freewheeling zoning already in place on much of that land, we would be sobered by this new vision of how it will soon look.

And if we were able to envision another overlay—the prevailing attitudes toward private property rights versus the common good—the future of the landscape would look even more bleak. Land use and development in the bay's watershed are overwhelmingly and fundamentally shortsighted and destructive—economically, environmentally, and culturally. We continue to use open space and unique parts of our natural heritage with the same wastefulness we have historically shown for other nonrenewable resources like coal and oil.

However much we may love and enjoy the water, it is on the lands of the watershed that we live most of our lives. If we cannot preserve extensive natural green spaces, if our transportation systems are congested and our air is not fit to breathe, then all the rockfish and canvasback ducks in the world will not make this the "Land of Pleasant Living."

Land use is tied closely to environmental quality in a number of ways. More water and air pollution results from converting open space to other uses. The character of the landscape and regional cultures are destroyed by sprawl development, as well as industries such as agriculture and forestry.

Your Plan for the Valleys is based on planner Ian McHarg's visionary concept that "the natural land form has an inherent sense of order."

In the areas where developers would most naturally have developed — the broad, open valley floors — no development would be allowed. On the forested slopes that wall the valleys only very restricted development would occur. In these elements reside what Mr. McHarg called the "genius of the landscape," and they must be kept intact.

The real genius of the Plan for the Valleys is ultimately something less definable than identification of growth and non-growth areas. It is recognition that absolute freedom of choice for each property owner to dispose of owned land results inevitably in destroying options for society as a whole.

(continued on Page 6)

### SAVE THE VALLEYS

by Margaret Worrall, Executive Director

After many years of working with and for The Valleys Planning Council, I believe more firmly than ever that the most compelling action we can take to protect the valleys is to place our own land in permanent preservation.

Zoning laws change, political factions come and go, development pressures mount from all sides.

Yet country people have always been fiercely independent, and self-reliance is what can save the valleys. Real preservation will come not through government regulations, tax advantages, transfer and/or purchase of development rights, or successful estate planning as important as these incentives may be.

Ultimately, saving the valleys — if they are to be saved — will be accomplished because individual landowners feel strongly enough about the ideal and ethic of the land that they place their own holdings in protective easements.

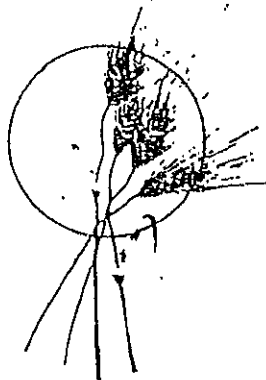
*"Land is the only thing in the world that amounts to anything for 'tis the only thing in this world that lasts."*

— Gone With the Wind

FACT SHEET

1

# AGRICULTURAL PRESERVATION DISTRICTS



Maryland



With Pride

Maryland Agricultural Land  
Preservation Foundation

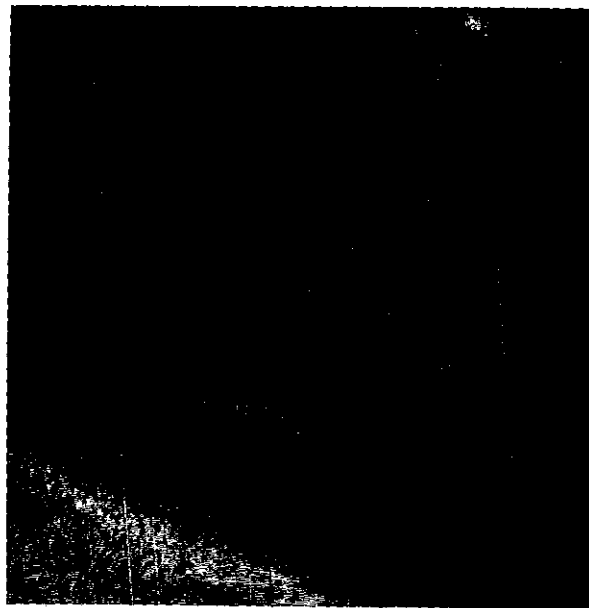
MARYLAND DEPARTMENT OF AGRICULTURE



95-351-A



351



THOMAS F. MULLAN, III  
1620 COLD BOTTOM ROAD  
SPARKS, MARYLAND 21152

*Put #1*

July 6, 1995

Dr. Melvin Duckett  
P. O. Box 178  
Phoenix, Maryland 21131

Dear Mel:

Enclosed please find some propaganda from Baltimore County concerning the easement program about which we spoke. I am also enclosing a publication from the Valleys Planning Counsel which includes an article on page 3 that outlines Doug Worrall's approach to this situation. He may be of some use to you in the future. Further enclosed, please find an old appraisal that I used when I put my land into the program. The whole transaction is slightly confusing, however, the rewards, in my opinion, are tremendous.

I would think that your land would bring a minimum of \$4,000 per acre tax free. As you may be aware, all of the lands of Mr. Ensor, Spaulding Goetze, and a portion of Mrs. Merryman's are already in the program. I am under the impression that Mrs. Merryman is going to put the remainder of her land in, in the near future. Messrs. Carl and Robert Nash, who are your neighbors on Cedar Grove Road, have put all of their land in, as has Mr. Ensor with his holdings on Cedar Grove Road.

If I can be of further assistance on this or any other matter, please do not hesitate to contact me. My work number is 494-9200 and my home number is 771-4460.

Best of luck to you and your wife in your new home, and welcome to the neighborhood.

*See you later*  
Very truly yours,

Thomas F. Mullan, III

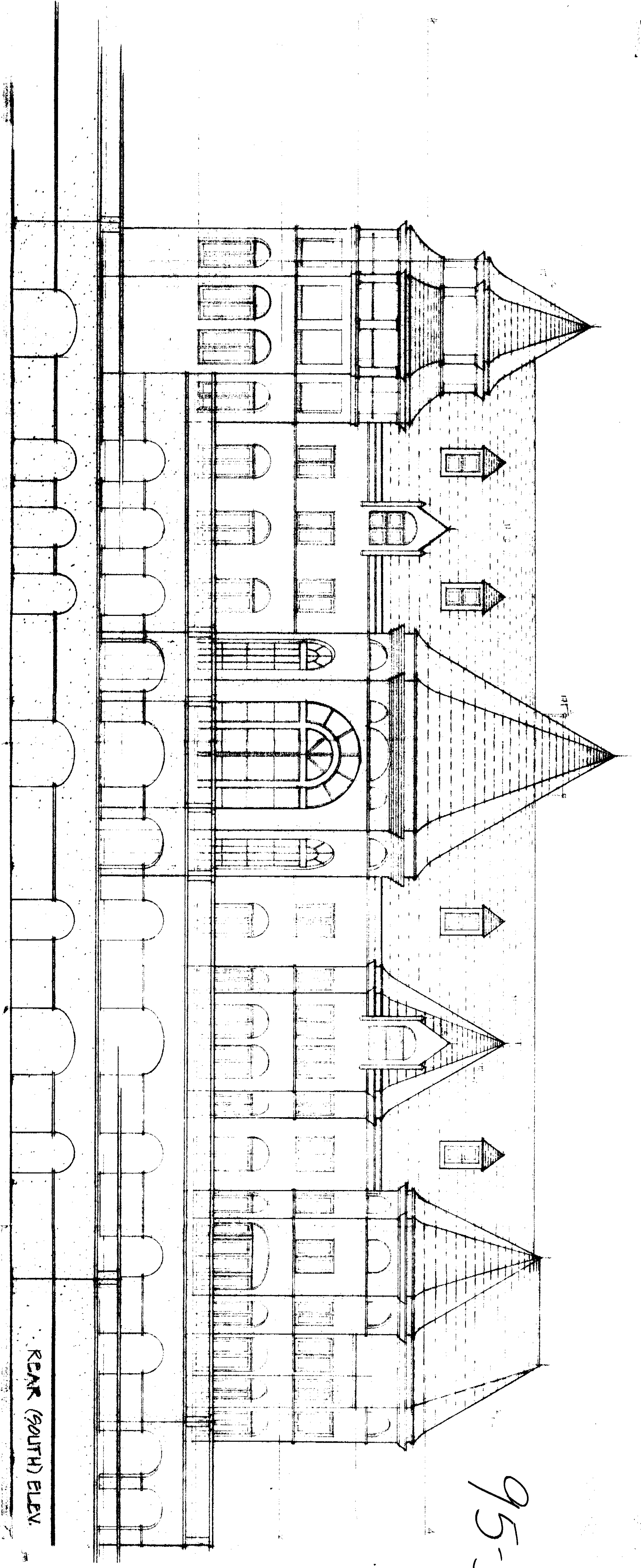
TFMIII:fkf  
Encs.

*RECEIVED*

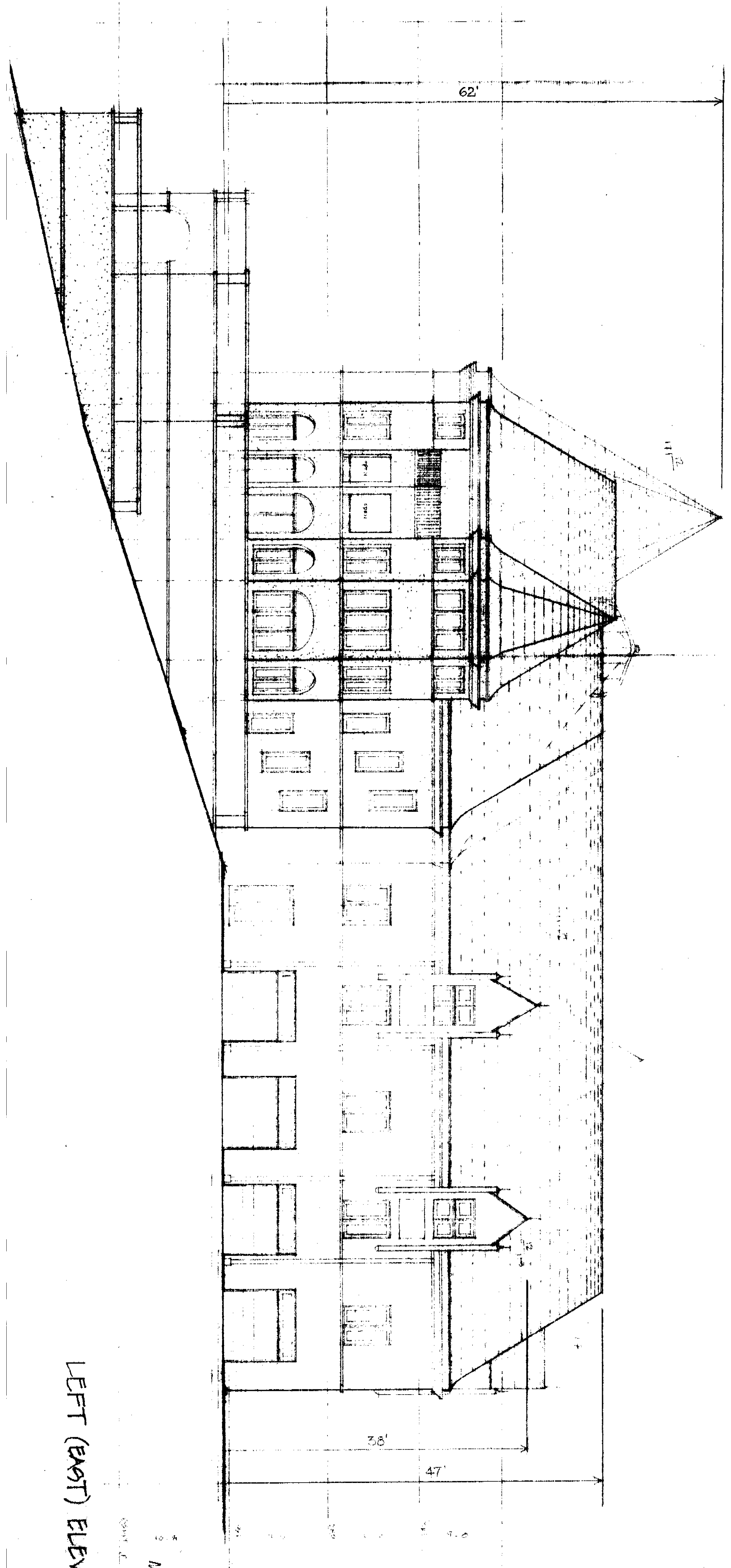




95-351-A



REAR (SOUTH) ELEV.



LEFT (EAST) ELEV.

MICROFILMED

THE NEW RESIDENCE  
FOR  
DR. MELVIN & KATHY DUCKETT

BACON HALL  
BALTIMORE CO., MARYLAND

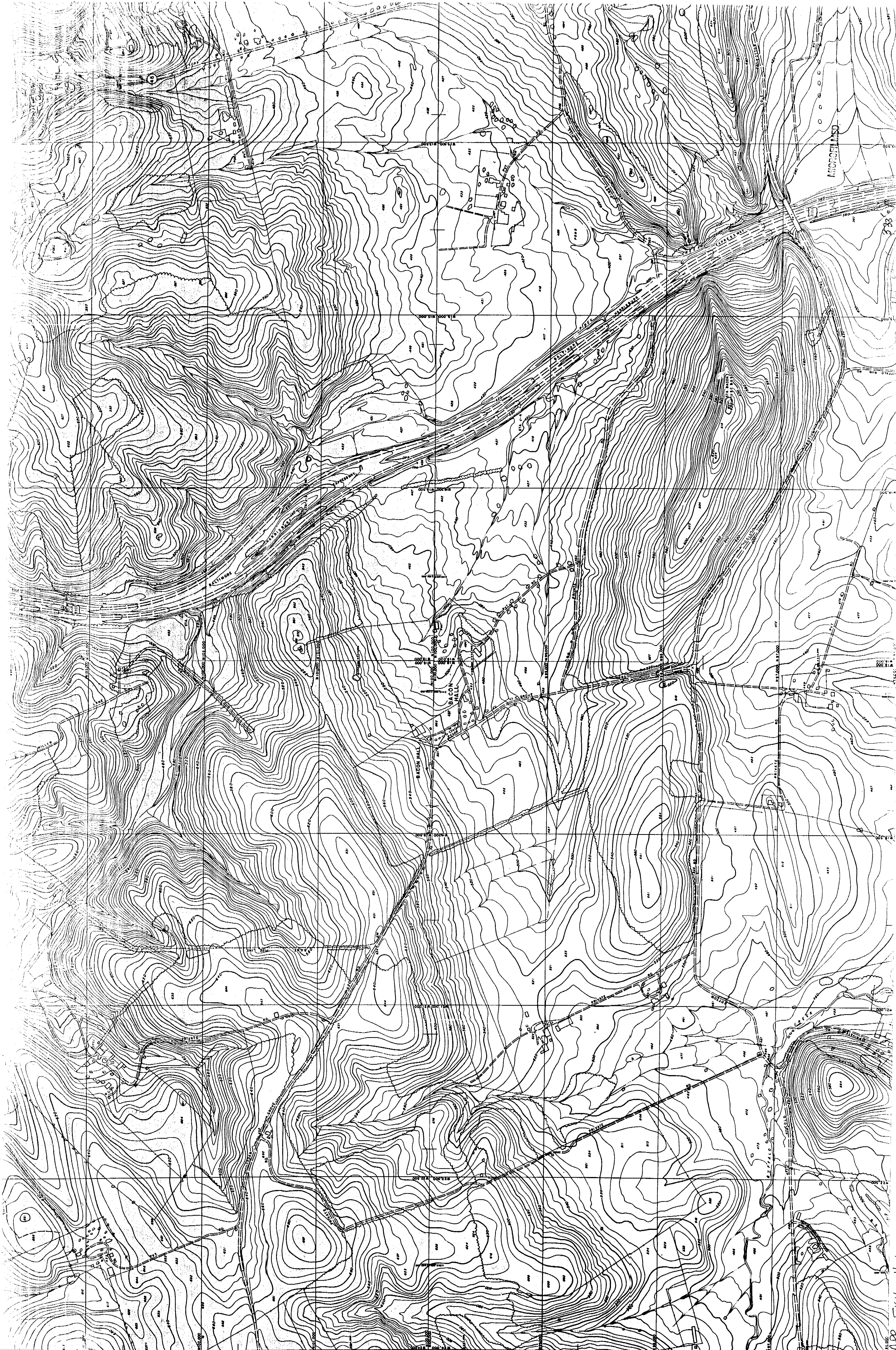
ELECTION DISTRICT  
ZONING



100 WEST TRACUMMETER, BURL, VT.  
BACON HALL, BALTIMORE, MD.  
(800) 555-1001 FAX (410) 555-1002

MANUFACTURED BY  
A.L. 2











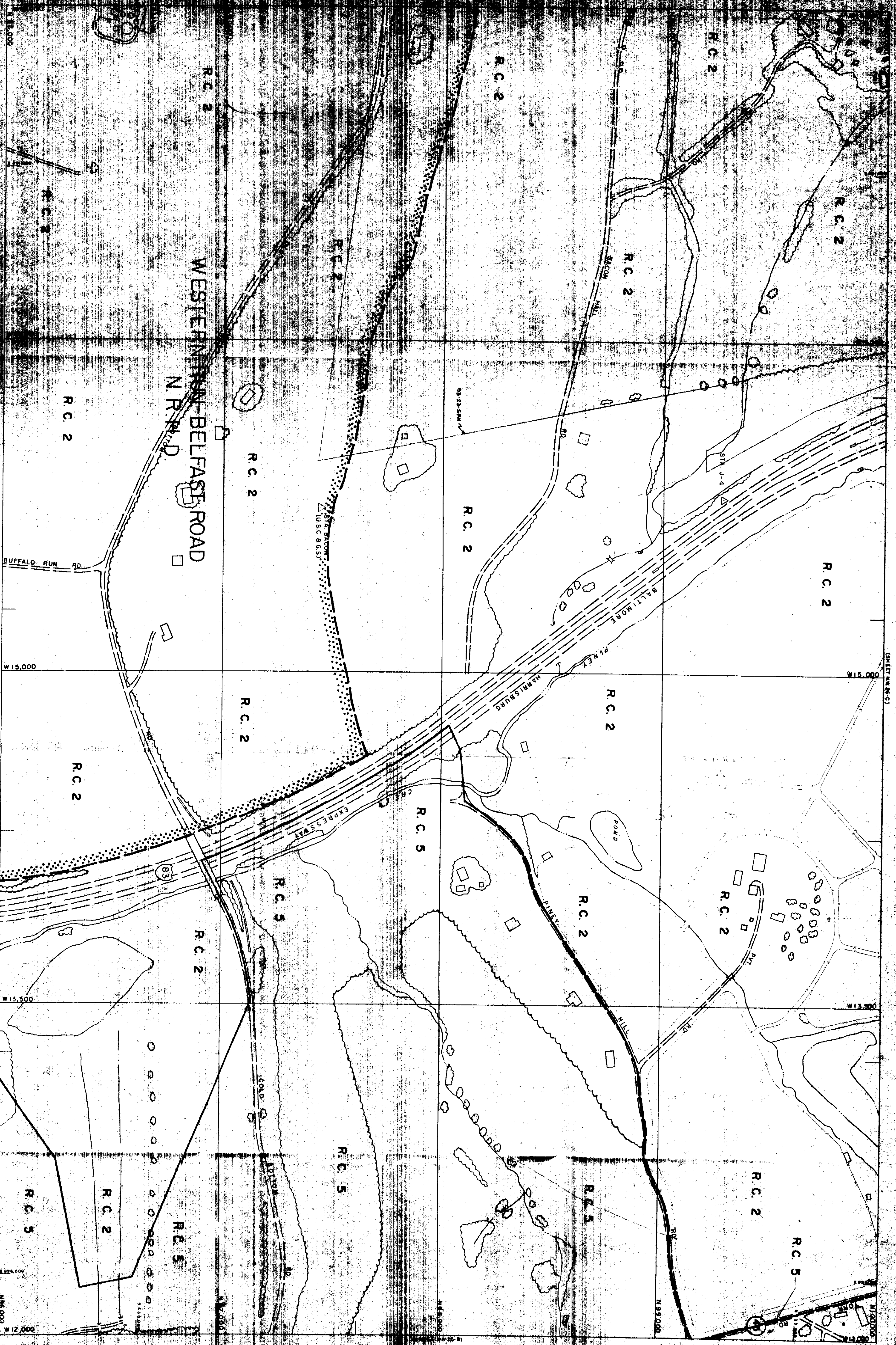




# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

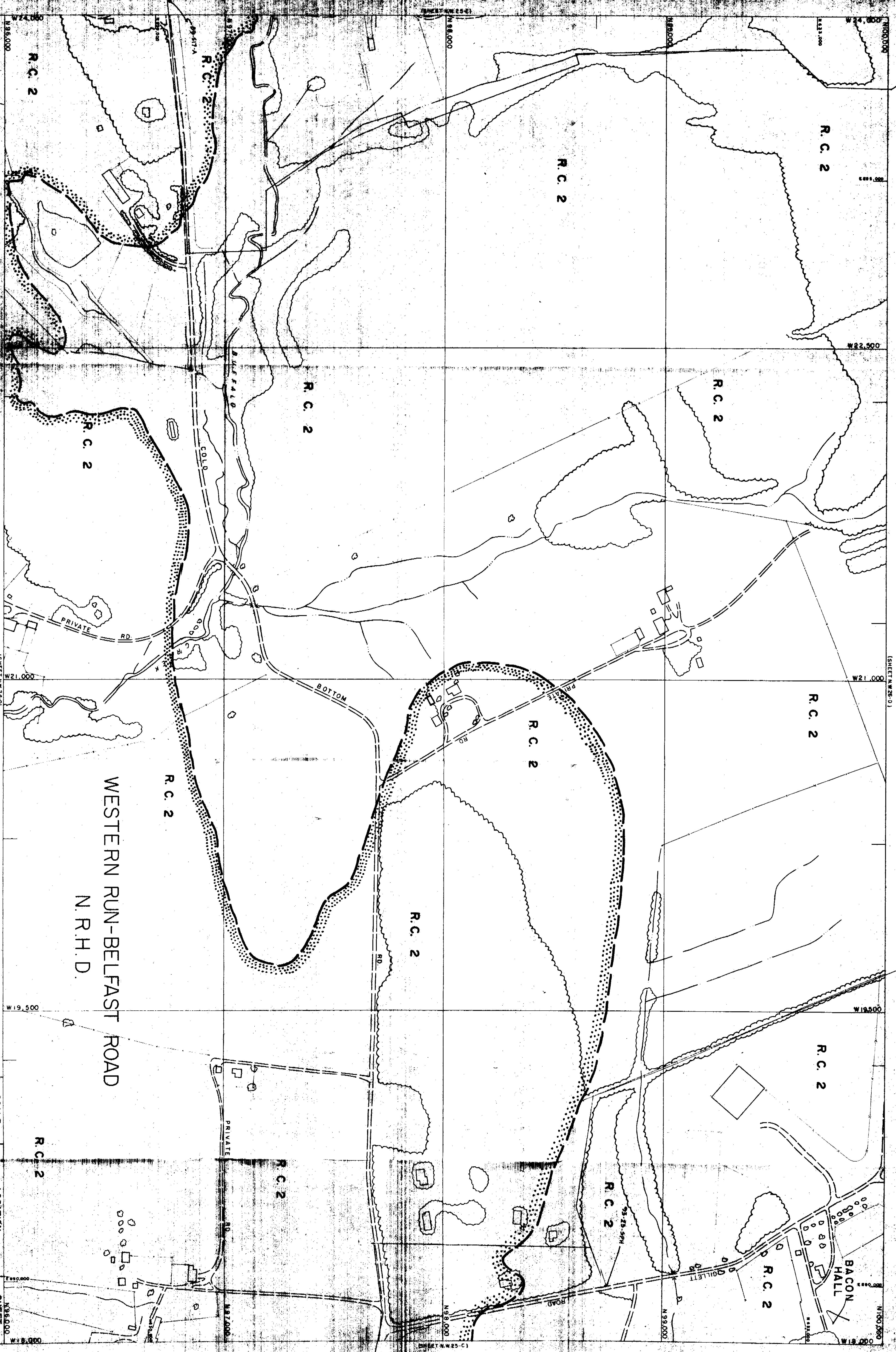
1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

SCALE 1" = 200'	LOCATION EAST OF BACON HALL	SHEET N.W. 25-C
DATE OF PHOTOGRAPHY JANUARY, 1985		



MICROFILMED





**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**  
**OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

*William H. H. H.*  
Baltimore County Council

SCALE	LOCATION	SHEET
1" = 200'	BACON HALL	NW
DATE OF PHOTOGRAPHY JANUARY 1986	MICROFILMED	25-D

DD-NW  
HH-SW  
HH-SW  
HH-SW

THIS MAP HAS BEEN REVISED IN ACCORDANCE WITH THE  
REQUIREMENTS OF THE BALTIMORE COUNTY ZONING  
ACT, ANNOTATED CODE OF BALTIMORE, MD. § 21-101





APP. EXH.  
# 30  
2 OF 2

PC III-B,

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
EAST OF  
BACON HALL

SHEET  
N.W.  
25-C

MICROFILMED

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401



APP. EXH.  
# 34  
1 of 2

(P.C. II-A)

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MANTISSUNG, W.Y. 25401

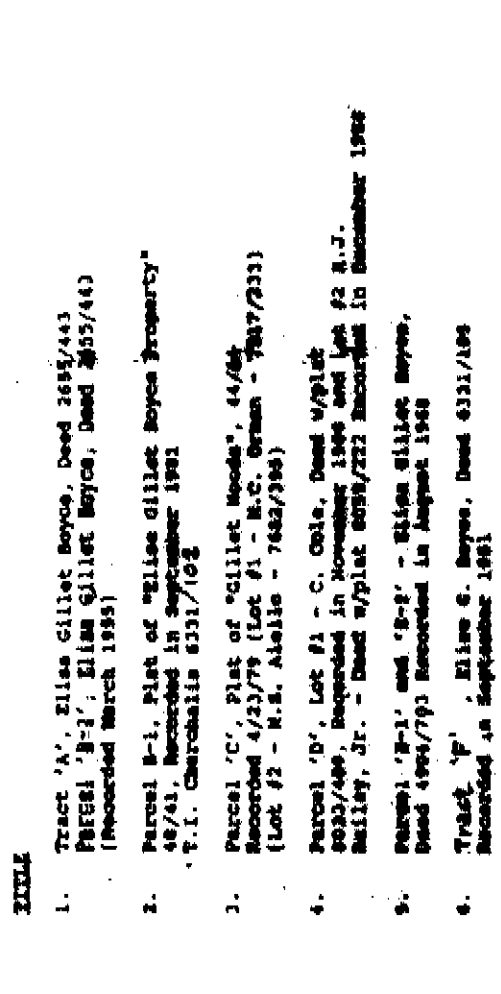
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP



SCALE		LOCATION	SHEET
1" = 200'			
DATE OF PHOTOGRAPHY JANUARY 1986		MICROFILMED BACON HALL	N.W. 25-D

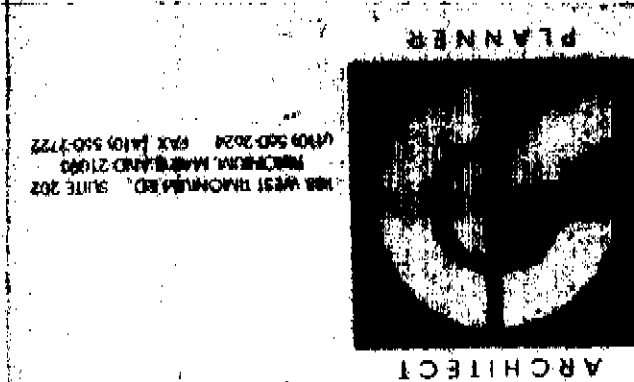
MICROFILMED





NOTES:

- 1) PARCELS 'B-1', 'C' & 'D' ARE NO LONGER PART OF THE ESTATE.
- 2) ALL ON-LITE & SURROUNDING ZONING IS RC-2.

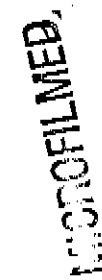


DR. MELVIN & KATHY DUCIETT

FOR  
THE NEW RESIDENCE

BALTIMORE CO., MARYLAND

20 MAR 15  
" 2000  
SITE PLAN  
31-1



Track A	Overall Gross Area	247.9 Ac.±
Parcel D	Gross Area	6.1 Ac.±
Parcel E-2	Gross Area	4.4 Ac.±
Parcel C	Gross Area	11.9 Ac.±
Parcel E-1	Gross Area	21.9 Ac.±
Parcel B-1	Gross Area	15.2 Ac.±
Parcel B-2	STORY 1228	1.9 Ac.±
STORY 1215 A	Gross Area	2 Ac.±
STORY 1215 B	Gross Area	188 Ac.±
Parcel A & C2	Gross Area	
Parcel A & C1	Gross Area	
Parcel B-3	Gross Area	146 Ac.±
Parcel 1 & 2	Gross Area	
Parcel 3 & 4	Gross Area	22 Ac.±

## CONCLUSIONS

1. To confirm the density analysis.
2. To permit a non-density transfer of Area 1-2 to Parcel 5-1.
3. To transfer 1-1 for both units permitted on 5-2 to A-1, B-2 or C-2.
4. If both 1-1 units are permitted to be transferred from B-2 to A-1, it is recommended that the 1-1 unit be transferred to A-1.
5. It is broader scope, generally to allow the 1-1 units of Parcel 1-1 to be transferred to Parcel 5-1.

Eds: "Deacon Hall"  
March 1944

beginning at the point of investigation of the center of the circle.

- 1 - SOUTH 1/2 24. 28. 30. East 2700. 1  
2 - NORTH 1/2 34. 36. 38. East 2750.  
3 - NORTH 1/2 44. 46. 48. East 2750. 200  
4 - SOUTH 1/2 18. 04. East 2600. 2000  
Containing 11.9 acres of land here or there.

10

Beginning at the point of intersection of the center line of  
Cedar Grove Road and Cold Bottom Road thence in a clockwise direction  
1 - Northerly along the center line of Cedar Grove Road,

- 50'±
- 2 - North 72° 30' East 160'±
  - 3 - South 6° West 1,010'±
  - 4 - North 76° 30' East 280.5'± along the center line of Cold

center 11 miles of cold bottom

19" East 108' to the place of beginning.  
Containing 6.1 acres of land more or less.

- Beginning at a point in the center of Cedar Grove Road northward  
by 140° along the center of said road from its intersection with  
the center of Lecon Mall Road. thence in a counter clockwise direction

West 510' 2

2 - North 18° 34' 59" East 128.11' 1  
3 - North 71° 07' 08" East 324.4' 1  
4 - North 15° 27' 59" East 293.02' 1  
5 - North 59° 15' 31" East 125.06' 1

- 40° ±
- 8 - North 69° 30' 10" East 216.60' ±  
9 - North 28° 03' 27" East 269.17' ±

60 10000 100,72' ±

11 - North 77° 02' 30" West 1395.00' ±  
12 - South 27° 19' 26" East 1395.00' ±  
13 - South 88° 23' 02" West 148.26' ± and  
14 - North 69° 34' 02" East 561.89' ± to the place of begin-

- Containing 23.9 acres of land more or less.

located in the center of Cam

therby 140'± from its intersection with Bacon Mill Road thence  
a clockwise direction:

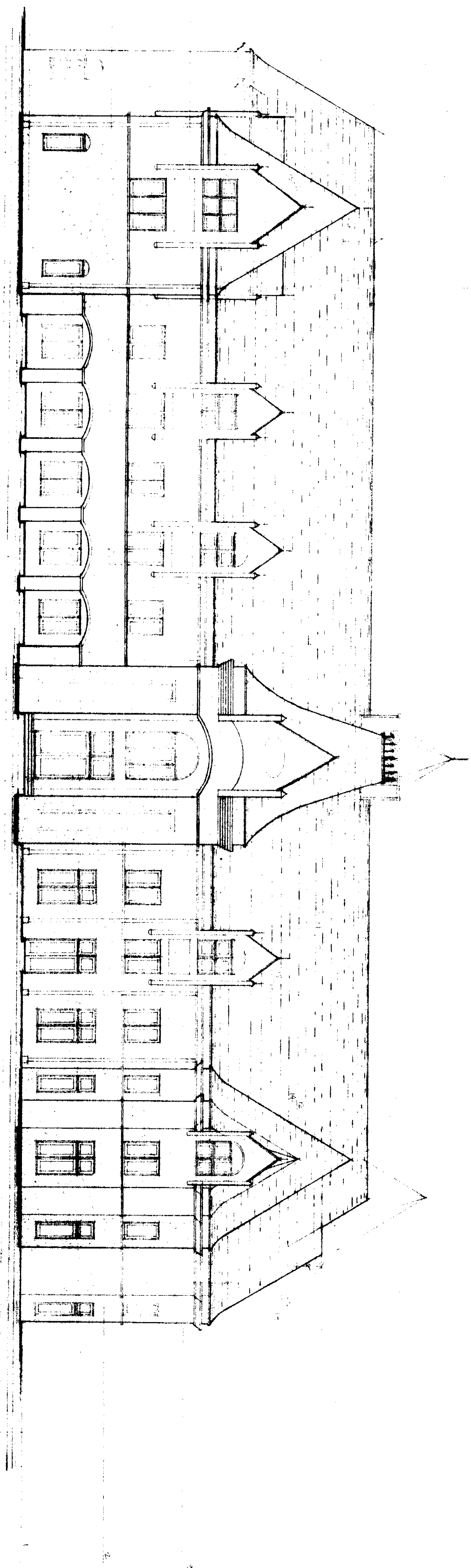
- 1 - South 69° 34' 02" West 561.89'±
- 2 - North 88° 23' 09" West 348.36'±

- 3 - South 23° 19' 26" East 140.90' ±  
4 - South 80° 19' 34" East 538.00' ±  
5 - North 67° 40' 34" East 378.10' ± and  
6 - North 11° 00' 00" East 265.00' ± to the place of beginning

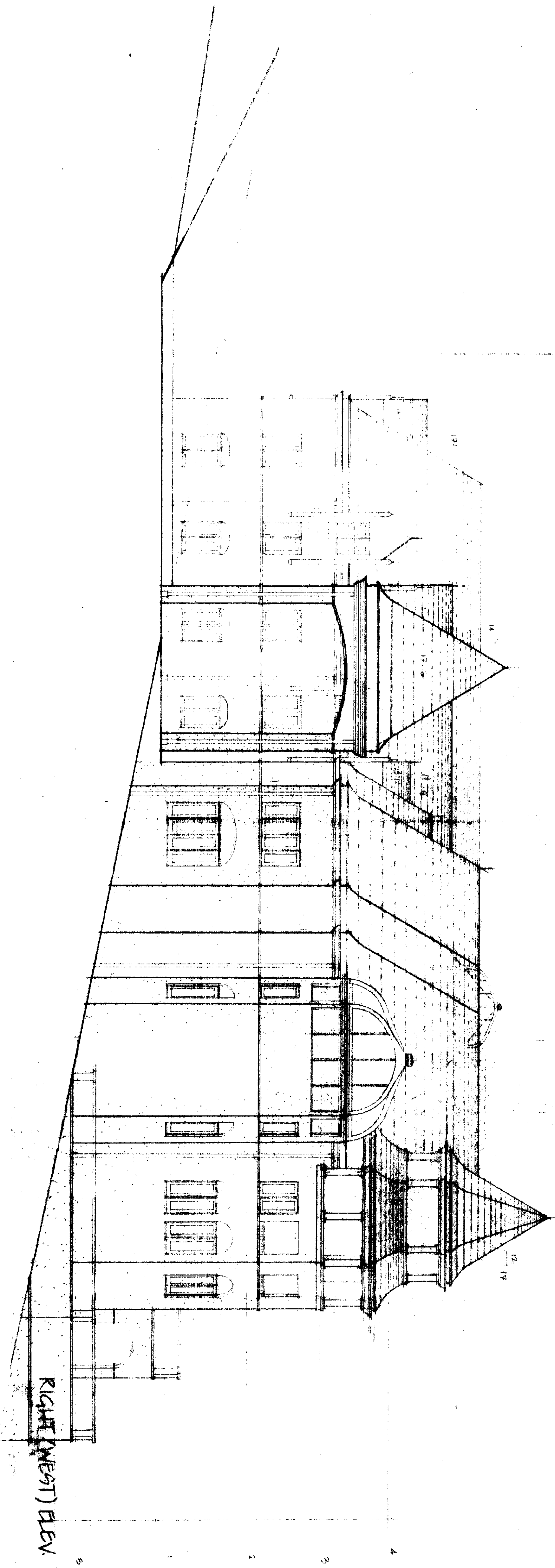
of land more or less.

INC., CIVIL ENGINEERS &  
1003 TOWNSON, MARYLAND 21224.





FRONT (NORTH) ELEV.




RIGHT (WEST) ELEV.

Case 95-351-A

THE NEW RESIDENCE  
FOR  
**DR. MELVIN & KATHY DUCKETT**  
BACON HALL  
BALTIMORE CO., MARYLAND

ELECTION DISTRICT  
ZONING

ARCHITECT



100 WEST BALTIMORE ST. SUITE 202  
BALTIMORE, MARYLAND 21201  
(410) 540-2500 FAX (410) 540-2750

PLANNER

MICROFILMED

A-1



IN THE MATTER OF  
THE APPLICATION OF  
MELVIN DUCKETT, ET UX  
FOR VARIANCE ON PROPERTY LOCATED  
ON THE NORTH SIDE BACON HALL ROAD,  
1400' E OF THE C/L OF GILLET ROAD  
(900 BACON HALL ROAD)  
7TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 95-351-A

\* \* \* \* \*

#### OPINION

This case comes before the County Board of Appeals based on an appeal from the Deputy Zoning Commissioner's Order of June 12, 1995, in which the Petition for Variance was granted with restrictions.

Mr. John Bernstein, Executive Director of the Valleys Planning Council appeared on behalf of the Appellants; pursuant to Rule No. 8 of the Board's Rules, a certified copy of the Authorizing Resolution was presented to the Board prior to the hearing. Carole S. Demilio, Deputy People's Counsel, conducted the Appellant's case at the hearing, and presented the opening and closing legal arguments. People's Counsel is authorized to appear and participate in zoning matters before this Board despite not appearing below (Baltimore County Charter Section 524.1). Dr. Melvin Duckett, Petitioner, appeared pro se and without expert witnesses.

Dr. Duckett testified concerning the variance request. The Petitioner was seeking relief from Section 1A01.3.A. of the BCZR to permit a dwelling height of 65 ft. in lieu of the required 35 ft. permit by law. The Petitioner indicated that when calculating the height of the proposed dwelling, the measurement was taken from one

Case No. 95-351-A, Melvin Duckett, et ux

of the cupolas which had been incorporated into the design of this residence. The Baltimore County Zoning Regulations (BCZR), specifically Section 300.1A exempts cupolas when calculating height; therefore, the petitioner should have measured the proposed dwelling from the peak of the roof and not necessarily from the top of the cupola. Upon recalculating the height of the house from the peak of the roof the house will stand 47 ft. above grade and that a variance of 47 ft. in lieu of the requested 65 ft. was actually needed. The subject property and relief sought are more fully described in Petitioner's Exhibit No. 2, consisting of ten pages, which outlines a description of the proposed dwelling and site. Dr. Duckett testified that he has owned the subject property for 2 1/2 years. He indicated a desire to create a home consisting of approximately 20,000 sq. ft. as a single family dwelling. The property itself consists of 237 acres, more or less, and is presently zoned R.C. 2. It is located in the Sparks area of Baltimore County on the west side of I-83 and is dissected by Bacon Hall Road and Cedar Grove Road. The property is currently improved with several tenant buildings and outbuildings which were formerly a part of a farm operation. The Petitioner indicated that he wished to engage the entire area as an estate property. He testified that his proposed plans would enhance the area as an estate property with the proposed house as the main residence along with associated tenant houses. Dr. Duckett stated that in his opinion there were already other structures in the area served by

2

Case No. 95-351-A, Melvin Duckett, et ux

Valleys Planning Council ("VPC") area that exceeded the height restrictions and in addition to the aesthetic values which would be enhanced by the requested variance, his financing for the project could not be approved by the lending institution if the variance was not granted. Dr. Duckett's testimony constituted his entire case in chief.

Mr. John Bernstein, Executive Director of the VPC, testified before the Board. He stated that the VPC was opposed to the granting of the variance for several reasons. His salient points in opposition were that the granting of the variance by the Deputy Zoning Commissioner failed to meet the standards imposed by *Cromwell v. Ward*, 102 MD, App. 691 (1995) as to the uniqueness or unusual nature of the subject property that renders it in any manner different than that of surrounding properties and further that the farm was situated in a national registered historic district and that the proposed dwelling would constitute an unwarranted visual intrusion into that district. Deputy People's Counsel also submitted exhibits 1, 2, 3 and 4 outlining Baltimore County maps of the area in question, along with aerial photos and zoning maps for Baltimore County in the location of the Bacon Hall farm.

Public deliberation by the Board took place on March 7, 1996. Section 307.1 sets forth the requirements for the granting of a variance. Such variance can only be granted in situations where special circumstances or conditions exist peculiar to the land or

3

Case No. 95-351-A, Melvin Duckett, et ux

structure which is the subject of the variance request and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. Additionally if the variance is granted it must be in strict harmony with the spirit and intent of the height and area regulations; and, only without injury to the health, safety and general welfare, otherwise there is no power to grant a variance.

The property in question consists of 237 +/- acres. The entire Valley area contains parcels of greater and some lesser land area with some lot consisting of over 300 acres. Testimony indicated that such acreage was quite typical of the entire Valley so that there was nothing either unique or unusual as to the land mass. The average structure height of other dwellings appeared to be 20-25 ft. There did not appear to be any other dwellings offered in evidence that exceeded height restrictions. Those restrictions presently imposed on the Petitioner's property did not apply solely to Dr. Duckett's property, but all properties in the area.

Having heard testimony, examining all exhibits and reviewing the statutory and case law, the Board concluded that the Petitioner had not demonstrated that the property suffered from any unusual constraints or was singularly disadvantaged compared to other properties in the area and further that if any hardship was imposed it was not imposed by the subject site but by the building plans themselves. For these reasons, the variance

4

Case No. 95-351-A, Melvin Duckett, et ux

request must be denied.

#### ORDER

IT IS THEREFORE, this 30th day of April, 1996 by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Variance to permit a dwelling height of 47 feet in lieu of the maximum permitted 35 feet be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*Robert O. Schuetz*  
Robert O. Schuetz, Chairman

*Charles L. Marks*  
Charles L. Marks

*Harry E. Buchheister, Jr.*  
Harry E. Buchheister, Jr.

5



#### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

April 30, 1996

Mr. John Bernstein  
Executive Director  
The Valleys Planning Council, Inc.  
P.O. Box 5402  
Towson, MD 21204-5402

RE: Case No. 95-351-A  
Melvin Duckett, et ux

Dear Mr. Bernstein:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

#### Enclosure

cc: Dr. and Mrs. Melvin Duckett  
Mr. Tim Sanders  
Sanders Designs  
Mr. Tim Mullin  
People's Counsel for Baltimore County  
Pat Keller  
Timothy M. Kotroco  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR VARIANCE  
N/S Bacon Hall Road, 1400' E  
of the c/l of Gillett Road  
(900 Bacon Hall Road)  
7th Election District  
3rd Councilmanic District  
Melvin Duckett, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-351-A  
\*  
\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 900 Bacon Hall Road, located in the vicinity of Sparks, adjacent to Interstate 83. The Petition was filed by the owners of the property, Dr. Melvin Duckett, and his wife, Kathy Duckett. The Petition, as filed, seeks relief from Section 1A01.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling height of 65 feet in lieu of the maximum permitted 35 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dr. Melvin Duckett, property owner, and Timothy Sanders, Architect. Appearing in opposition to the relief requested were Tim Mullin, a nearby resident of the area, and Kristen Foreyth, who appeared on behalf of the Valleys Planning Council.

At the onset of the hearing, it was determined that the Petitioners had requested a greater variance than was necessary. Discussions with the Petitioner revealed that when calculating the height of the proposed dwelling, the measurement was taken from one of the cupolas which have been incorporated into the design of this residence. The B.C.Z.R., specifically Section 300.1A, exempts cupolas when calculating for height. Therefore,

the Petitioner should have measured the proposed dwelling from the peak of the roof and not necessarily from the top of the cupola. Upon recalculating the height of the house from the peak of the roof, it was determined that the house will stand 47 feet above-grade and that a variance of 47 feet in lieu of the requested 65 feet was needed. On behalf of the Petitioner, Mr. Sanders testified that the Petitioner chose the highest point of the dwelling from which to measure so that there would be no misunderstanding at the hearing as to the extent of the size of the proposed dwelling. Dr. Duckett did not want anyone to be misled by taking the height measurement of the proposed dwelling from anywhere other than its highest point. The Petition was amended accordingly and the hearing proceeded on the merits of the amended request.

Testimony and evidence offered revealed that the subject property consists of 237.083 acres, more or less, zoned R.C. 2. The property is located in Sparks on the west side of Interstate 83 and is dissected by Bacon Hall Road and Cedar Grove Road. The property is presently improved with several tenant dwellings and outbuildings which were previously part of a farm operation. Dr. Duckett testified that he has owned the property for the past 2 and 1/2 years. The Petitioners wish to create an estate for their family and propose to construct a 20,000 sq.ft. single family residence on the property at this time. Dr. Duckett proposes to locate this rather large dwelling within the tree line that exists on the property, as shown on Petitioner's Exhibit 1, to provide some buffering to the visual effect of the house itself. Dr. Duckett testified that he intends to utilize the entire parcel, including the proposed residence, as an estate property. Dr. Duckett testified that it was his understanding that this parcel of land was once considered for development as a golf course.

- 2 -





APP. EXH.  
#3A  
1002

(P.C. III-A)

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	BACON HALL	N. W.
DATE OF PHOTOGRAPHY JANUARY 1986		25-D

MICROFILME





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	EAST OF	N. W.
DATE OF PHOTOGRAPHY JANUARY 1986	BACON HALL	25-C

MICROFILMED

APP. E.A. 11  
= 33  
2 OF 2

PC. II-3.

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401



He believes that the property would be best preserved as an estate with a main residence and associated tenant houses.

Appearing as a Protestant in this matter was Kristen Forsyth who voiced opposition on behalf of the Valleys Planning Council (VPC). Ms. Forsyth presented a letter from the VPC dated April 26, 1995 in which they voiced strong opposition to the height variance requested for the proposed dwelling. The VPC does not believe that the Petitioner meets the requirements imposed upon them for the granting of this variance. They further state in their letter that the proposed dwelling would form an "unwelcome visual intrusion" on this property, which is located within the National Register Historic District.

On cross-examination, Ms. Forsyth was asked by Dr. Duckett whether the VPC had reviewed the elevation drawings for the proposed dwelling prior to taking the position indicated in their letter. Ms. Forsyth testified that the VPC had not had an opportunity to review the elevation drawings, but, as a matter of principle, were opposed to any single family dwelling being built at the height proposed.

It was surprising to see the opposition by the Valleys Planning Council to the proposed use of this land by Dr. Duckett as his personal residence and as an estate for his family. It would appear to be a wonderful opportunity for this 237 acre parcel to be used for residential purposes. Only one main single family dwelling is proposed, with existing tenant houses. This main dwelling will be tucked into the tree line that exists on the property, which should provide a substantial buffer to this structure. Furthermore, Dr. Duckett has taken great care and gone to great lengths to design a rather magnificent structure to be built upon this property. Once constructed, this mansion would certainly be a show-

piece in this area of Baltimore County, while at the same time, occupying and utilizing the entire parcel of land for residential purposes.

Given the fact that the subject property was once considered for use as a golf course, it would seem logical that the utilization of this property as an estate would be preferable to all those concerned with the preservation of this area of Baltimore County. I also question why the Valleys Planning Council would take a strong position of opposition to this residence without first reviewing the elevation drawings for the proposed structure.

Also attending the hearing and offering testimony in opposition to the Petitioners' request was Tim Mullan, who resides in this area of Baltimore County, but not adjacent to the subject property. Mr. Mullan is also concerned over the size of the proposed residence, but did note, however, that the house in which he presently resides probably exceeds the 35-foot height restriction. In fact, all those in attendance at the hearing before this Deputy Zoning Commissioner acknowledged that many of the houses in this area of Baltimore County, and particularly, the larger custom built homes, exceed the height restrictions imposed by the B.C.Z.R.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusu-

al in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use

on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioners have, in fact, proven the practical difficulty standards as set forth above and that the variance requested should be granted. In the opinion of this Deputy Zoning Commissioner, the Petitioner has satisfied the burdens imposed upon him by the B.C.Z.R. The proposed residence is certainly appropriate for a parcel of land this size and magnitude. I cannot think of a better use which will preserve the residential character, open views, and natural state of this property. It appears that the opposition to this request was generated by the fact that the Petitioners originally requested a height variance of 65 feet in lieu of the permitted 35. I can understand how a house with a roof line 65 feet height might generate concern and opposition from surrounding residents. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth above, the variance requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12<sup>th</sup> day of June, 1995 that the Petition for Variance seeking relief from Section 1A01.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling height of 47 feet in lieu of the maximum permitted 35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

- 2) The relief granted herein is limited to a single family residence in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. The Petitioners shall not allow or cause the proposed structure to be converted for commercial use.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 12, 1995

(410) 887-4386

Dr. & Mrs. Melvin Duckett  
P.O. Box 178  
Phoenix, Maryland 21131

RE: PETITION FOR VARIANCE  
N/S Bacon Hall Road, 1400' E of the c/l of Gillett Road  
(900 Bacon Hall Road)  
7th Election District - 3rd Councilmanic District  
Melvin Duckett, et ux - Petitioners  
Case No. 95-351-A

Dear Dr. and Mrs. Duckett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Tim Sanders, Sanders Designs  
108 W. Timonium Road, Timonium, Md. 21093

Ms. Kristen Forsyth, The Valleys Planning Council  
P.O. Box 5402, Towson, Md. 21285-5402

Mr. Tim Mullan  
1620 Cold Bottom Road, Sparks, Md. 21152

People's Counsel  
Case File

RE: PETITION FOR VARIANCE \* BEFORE THE  
300 Bacon Hall Road, N/S Bacon Hall Rd, \*  
1400' +/- E of c/l Gillett Road, 7th \* ZONING COMMISSIONER  
Election District, 3rd Councilmanic \*  
Dr. Melvin Duckett and Kathy Duckett \* OF BALTIMORE COUNTY  
Petitioner \* CASE NO. 95-351-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26<sup>th</sup> day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to Tim Sanders, Sanders Designs, 108 W. Timonium Road, Timonium, MD 21093, representative for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

ORDER RECEIVED FOR FILING  
Date 6/12/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/12/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/12/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/12/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/12/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/12/95  
By [Signature]







BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee  
FROM: Dick Seim - Building Plans Review  
SUBJECT: Item No. 342 on the ZAC agenda for April 24, 1995  
entitled "Variance to allow a structure (dwelling)  
with a height of 65 feet in lieu of the maximum  
required 35 feet."

The applicable building code in Baltimore County for a dwelling is the  
CABO 1 and 2 Family Dwelling Code/1992 Edition or the BOCA National  
Building Code/1993

The CABO in Section R-103 entitled "Scope" states:  
The provisions of this code apply to the construction, prefabrication,  
alteration, use, occupancy and maintenance of detached one or two  
family dwellings and one-family townhouses not more than 2 stories in  
height, and their accessory structures. The above subject residence is  
therefore not addressed by this code.

The BOCA Building Code does address the above subject residence and  
therefore is applicable.

Article 5 therein, entitled "General Building Limitations,"  
specifically Section 503-Table 503, specifies the type of construction  
that is required for a dwelling based on the use group (R-1 in this  
case), height and area. This and all other requirements of this code  
for an "R-3 use" would apply.

If you have any questions, please do not hesitate to call me at  
410-887-3987.

RECEIVED  
APR 24 1995  
ZADM

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: May 1, 1995  
FROM: J. Lawrence Pilsbury  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #342 - Duckett Property  
900 Bacon Hall Road  
Zoning Advisory Committee Meeting of April 17, 1995

The Department of Environmental Protection and Resource Management offers  
the following comments on the above-referenced zoning item.

Ground Water Management

Prior to approval of site for a dwelling unit not served by public water or  
sewerage, a soil percolation test must be completed which demonstrates  
suitability of the soils to treat septic waste. Additionally, upon approval  
of soil percolation tests and prior to approval of a building permit for a  
dwelling, a well must be drilled which meets the minimum standard of one (1)  
gallon per minute (GPM) recovery yield.

There is no evidence that the above steps have been completed.

JLP:TE:sp  
DUCKETT/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management  
FROM: Pat Keller, Director  
Office of Planning and Zoning  
DATE: April 20, 1995  
SUBJECT: Variance Requests  
INFORMATION:  
Item Numbers: 341, 342, 345, 348, 349, and 351

SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the peti-  
tioners will need to satisfy the burden imposed upon them to prove practical  
difficulty and/or unreasonable hardship to justify the granting of the subject  
Variances.

Prepared by: *Jeffrey M. Long*  
Division Chief: *Carol L. Kimm*  
PK/JL

ITEM341/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: April 24, 1995  
FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for April 24, 1995  
Items 341, 342, 344, 345, 346, 347, 348, and 351

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/19/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
TEL: 870P-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 17, 1995.

ITEM NO.: SEE BELOW Zoning Agenda:

Completion:

Pursuant to your request, the referenced property has been surveyed  
by this Bureau and the comments below are applicable and required to  
be connected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 341, 342, 344, 345,  
347, 348, 349, 350 AND 351.

RECEIVED: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F



O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 342 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to  
approval as it does not access a State roadway and is not effected by any State Highway  
Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2286 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS 95-351-A  
AGENDA OF APRIL 17, 1995

#342 — JRF

1. No item number on petition forms.

#344 — MJK

1. No telephone number for legal owner.

#350 — MJK??/JCM??

1. Who took in petition? MJK signed petition form; JCM signed receipt.
2. No original copy of receipt in folder; just xerox. Where is receipt?

#351 — JJS

1. Notary section is incorrect/incomplete.

Baltimore County Government  
Department of Permits and Licenses

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3610

July 14, 1995

Dr. and Mrs. Melvin Duckett  
P.O. Box 178  
Phoenix, Maryland 21133

RE: Petition for Variance  
N/S Bacon Hall Road, 1400 ft. E  
of the c/l of Gillett Road  
(900 Bacon Hall Road)  
7th Election District  
3rd Councilmanic District  
Melvin Duckett, et ux-Petitioner  
Case No. 95-351-A

Dear Dr. and Mrs. Duckett:

Please be advised that an appeal of the above-referenced case was  
filed in this office on July 11, 1995 by John Bernstein, the Valleys  
Planning Council, Inc. All materials relative to the case have been  
forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not  
hesitate to contact Julie Winiarski at 887-3553.

Sincerely,

*Arnold Jablon*

ARNOLD JABLON  
Director  
Department of Permits and  
Development Management

AJ:bb

cc: Mr. Tim Sanders  
Mr. Tim Mullan  
People's Counsel



APPEAL

Petition for Variance  
N/S Bacon Hall Road, 1400 ft.  
E of the c/l Gillett Road  
(900 Bacon Hall Road)  
7th Election District - 3rd Councilmanic District  
Melvin Duckett, et ux-PETITIONER  
Case No. 95-351-A

Petition(s) for Variance  
Description of Property  
Certificate of Posting  
Certificate of Publication  
Entry of Appearance of People's Counsel  
Zoning Plans Advisory Committee Comments  
Petitioner(s) and Protestant(s) Sign-In Sheets  
Plat to Accompany Petition for Variance (not marked as exhibit)  
One Photograph  
Letter to Zoning Commissioner from John Bernstein dated April 26, 1995  
Deputy Zoning Commissioner's Order dated June 12, 1995 (Granted)  
Notice of Appeal received on July 11, 1995 from John Bernstein, The Valleys Planning Council  
cc: John Bernstein, The Valleys Planning Council, Inc., 212 Washington Avenue, P.O. Box 5402, Towson, Maryland 21285  
Dr. and Mrs. Melvin Duckett, P.O. Box 178, Phoenix, Maryland 21131  
Mr. Tim Sanders, Sanders Designs, 108 W. Timonium Road, Timonium, Maryland 21093  
Mr. Tim Mullin, 1620 Cold Bottom Road, Sparks, Maryland 21152  
People's Counsel of Baltimore County, M.S. 2010  
Request Notification: Patrick Keller, Director, Planning & Zoning  
Timothy M. Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

APPEAL

Petition for Variance  
N/S Bacon Hall Road, 1400 ft.  
E of the c/l Gillett Road  
(900 Bacon Hall Road)  
7th Election District - 3rd Councilmanic District  
Melvin Duckett, et ux-PETITIONER  
Case No. 95-351-A

**\*\*AMENDED\*\***  
Protestant's Exhibit(s) 1 - Development Plan of the Grimes Property  
Three Board Exhibits for the New Residence for Dr. & Kathy Duckett  
cc: John Bernstein, The Valleys Planning Council, Inc., 212 Washington Avenue, P.O. Box 5402, Towson, Maryland 21285  
Dr. and Mrs. Melvin Duckett, P.O. Box 178, Phoenix, Maryland 21131  
Mr. Tim Sanders, Sanders Designs, 108 W. Timonium Road, Timonium, Maryland 21093  
Mr. Tim Mullin, 1620 Cold Bottom Road, Sparks, Maryland 21152  
People's Counsel of Baltimore County, M.S. 2010  
Request Notification: Patrick Keller, Director, Planning & Zoning  
Timothy M. Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

8/07/95 -Notice of Assignment for hearing scheduled for Tuesday, November 21, 1995 at 10:00 a.m. sent to following:

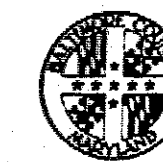
John Bernstein, Executive Director  
Valleys Planning Council  
Dr. & Mrs. Melvin Duckett  
Mr. Tim Sanders  
Sanders Designs  
Mr. Tim Mullin  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

11/21/95 -Hearing concluded this date. To be scheduled for public deliberation.

12/01/95 -Rule 8 papers filed by Valleys Planning Council.

2/09/96 -Notice of Deliberation sent to parties; scheduled for Thursday, March 7, 1996 at 9:00 a.m. Copies also to R.C.B.

3/04/96 -Letter from P. Zimmerman regarding Turkey Point case and application of holding in same to this proceeding (submittal of this letter was granted at conclusion of hearing /prior to oral closing).



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

February 9, 1996

NOTICE OF DELIBERATION

Having concluded this case on November 21, 1995, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

MELVIN DUCKETT, ET UX -Petitioners  
CASE NO. 95-351-A

DATE AND TIME : Thursday, March 7, 1996 at 9:00 a.m.  
LOCATION : Room 48, Basement, Old Courthouse

cc: John Bernstein, Executive Director  
Valleys Planning Council  
Dr. & Mrs. Melvin Duckett  
Mr. Tim Sanders  
Sanders Designs  
Mr. Tim Mullin

Appellant /Protestant  
Petitioners  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco  
Administrative Assistant

Copied: R.C.B.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Melvin Duckett, et ux  
Case No. 95-351-A  
DATE : March 7, 1996 @ 9:10 a.m.  
BOARD /PANEL : Robert O. Schuetz (ROS)  
Charles L. Marks (CLM)  
Harry E. Buchheister, Jr. (HEB)  
SECRETARY : Kathleen C. Bianco  
Administrative Assistant

Those present at this deliberation included John Bernstein, Executive Director, The Valleys Planning Council; and Carole S. Demilio, Deputy People's Counsel for Baltimore County.

ROS: Good morning, ladies and gentlemen. We are here on Case No. 95-351-A, Melvin Duckett, et ux. The purpose is to deliberate the matter in conformance with the open meetings law. I will go first.

I think it's a pretty simple cut-and-dried case. This is a Petition for Variance. The record will reflect that I gave Dr. Duckett no less than two chances, possibly three, to illustrate for the Board how his property meets the test pursuant to *Cromwell v. Ward*. I also gave him a few opportunities to continue the matter so that he could come back better prepared. Instead, opting on his request to press forward, I found nothing unique about this property which would lead the Board to believe it's necessary to provide a variance. Nor do I see any opportunity for any hardship in this particular matter either. Therefore, I would deny the variance.

(Noted at this point that he had just received notice that Dr. Duckett was on his way.)

HEB: It's a fantastic residence; a most impressive structure it seems. But as the Chairman has said, there's really no merit in granting variance he requests. I think with a 35-foot height, a very substantial, attractive mansion, manor house, whatever, can be put on this site without the variance, and it should be denied.

CLM: In reaching a decision on this variance, I had the opportunity to review the file, notes at the hearing of November 21, and various exhibits offered into evidence and identification. Petitioner elected to appear in a *de novo* hearing and presented his case in exemplary manner as to why variance

Deliberation /Melvin Duckett, et ux /95-351-A

should be granted by the Board; only element missing was relative to legal aspects that govern in such cases; request is for a variance from 1A01.3A of the zoning regulations to permit height of 65' instead of permitted 35'. In actuality, the correct measurement is from the peak of the roof and not from the top of the cupola. It appears to be 47' and not 65'.

Section 307.1 sets forth the requirements for granting of variance. Such variance can only be granted in situations where special circumstances or conditions exist peculiar to the land or structure which is the subject of the variance request, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. Additionally, if the variance is granted, it must be in strict harmony with the spirit and intent of height and area regulations, and only without injury to the health, safety and general welfare. There is no other power to grant.

And if the Board should grant the variance, needs to be stated findings of fact setting forth the reasons. Maryland courts have provided guidance in recent years. Questions are as follows: Whether special conditions exist; Special circumstances related to hardship; Hardship not generally shared by other properties; Is property unusual in topography, by shape or size; Is it the uniqueness of the land or the plight of the owner that is the problem?

This property consists of 237+ acres. The valley area contains varying parcels of greater and lesser land usage; some lots containing 300 or greater acreage. Testimony proffered indicated that such property was quite typical of entire valley; nothing inherently unusual or unique. The average structure height is 20 to 25 feet. There are no other structures exceeding height restrictions in the area. Argument was advanced by Appellants - to preserve and protect the area; must be overcome to grant variance. Restrictions on Petitioner's property do not solely apply to Dr. Duckett, but all properties in the area.

If a hardship is present, it's not imposed by the subject site but rather by the building plans themselves. It is difficult to believe that a lending institution would deny financing because of height restrictions, when site already gains an imposing view of surrounding neighborhood and such large acreage. The Petitioner has not demonstrated that the property suffers any unusual or singular disadvantage not commensurate to other properties in the area. Reversal would lie in legislative change. The variance request should be denied.

Deliberation /Melvin Duckett, et ux /95-351-A

ROS: We are unanimous. The written decision will come out from the Board at some future date; not necessarily today. But any Petition for Judicial Review should come from the date of that Order and not today's date. Thank you.

(Petition for Variance DENIED.)

\*\*\*\*\*

Respectfully submitted,

*Kathleen C. Bianco*  
Kathleen C. Bianco  
Administrative Assistant



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL  
Room 47, Old Court House  
400 Washington Ave.  
Towson, MD 21204  
(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

MEMORANDUM TO: All Civic Associations  
DATE: June 22, 1993  
FROM : People's Counsel for Baltimore County  
SUBJECT : Appearance before the Board of Appeals as Representative of a Civic Association

Attached to this memorandum is a copy of Rule 8 of the Rules of Practice and Procedure of the County Board of Appeals which governs the appearance before the Board of representatives of civic or improvement associations.

This rule requires the following:

1. That the person who testifies can describe accurately the number of members in the association and the geographic limits of the association; and
2. That the person is authorized to speak for and present the views of the association. This second requirement can only be met by:
  - a. A resolution (in duplicate) adopted by the association at its annual meeting or first meeting of the year signed by the president and attested by the secretary. This resolution must state that the responsibility for review and action of all zoning matters is placed in the board of directors or a duly elected zoning committee; and
  - b. A written affidavit (in duplicate) signed by the president of the association and attested by the secretary that he is currently a duly elected member of the board of directors or zoning committee of that association, or is an attorney appointed to represent the board of directors or zoning committee; and
  - c. A resolution (in duplicate) adopted by the board of directors or zoning committee signed by the president and attested by the secretary stating the position of the association.

For your assistance, we have also attached sample resolutions and affidavits which may be used by your association. They have been reviewed by the Board of Appeals for form, but, of course, the substance remains the responsibility of the community association.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
People's Counsel for Baltimore County

Enclosures



Valleys Planning Council ASSOCIATION

RESOLVED: That at the Annual meeting of the Valleys Planning Council Association held on June 6th, 1995, it was decided by the Association that responsibility for review and action on all zoning matters for the period 1995 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

see attached.

AS WITNESS OUR HANDS AND SEAL THIS 10<sup>th</sup> day of November, 1995.

ATTEST: Valleys Planning Council Association  
R. [Signature] Secretary  
Richard B. Buck President

Valleys Planning Council ASSOCIATION

RESOLVED: That the position of the Valleys Planning Council Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

Bacon Hall Variance - Melvin Duckett.

is that:

The Variance shall be opposed by the Valleys Planning Council

AS WITNESS OUR HANDS AND SEAL THIS 10<sup>th</sup> day of November, 1995.

ATTEST: Valleys Planning Association  
R. [Signature] Secretary  
Richard B. Buck President

AFFIDAVIT

STATE OF MARYLAND  
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a Executive duly elected member of the (Board of Directors) (Zoning Committee) of the Valleys Planning Council Association.

ATTEST:

R. [Signature] Secretary  
John Bernstein President  
Valleys Planning Council Association

DATE: 11/10/95

EXCERPT FROM RULES OF PRACTICE AND PROCEDURE OF  
COUNTY BOARD OF APPEALS

Rule 8. Special rule pertaining to persons appearing before the board as representatives of civic or improvement associations.

a. Before any person shall testify on behalf of any civic or improvement association, it shall be shown that he has accurate knowledge of the number of members in the association and geographical limits of the association.

b. Before any such person shall testify it shall also be shown that he is authorized to speak for and present the views of the civic or improvement association.

c. Such authorization shall consist of presenting at the hearing or prior thereto a resolution in duplicate duly adopted by the association at its annual meeting or first meeting of each year, signed by the president and attested by the secretary, providing that the responsibility for review and action on all zoning matters be placed in its board of directors or a duly elected zoning committee.

d. Before any such authorized person shall testify, it shall be shown by written affidavit in duplicate, signed by the president of the association and attested by the secretary, that he is currently a duly elected member of the board of directors or zoning committee of that association, or is an attorney appointed to represent the board of directors or zoning committee.

e. Before any such authorized person shall testify, a resolution stating the position of the association as adopted by the board of directors or zoning committee, signed by the president and attested by the secretary, shall also be produced in duplicate at the hearing.

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL  
Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

CAROLE S. DEMILIO  
Deputy People's Counsel

March 4, 1996

Mr. Robert O. Schuetz, Chairman  
Board of Appeals of Baltimore County  
Room 49 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Hand-delivered

Re: 900 Bacon Hall Road, N/S Bacon Hall Rd, 1400 +/- B of c/l Gillett Road, 7th Election Dist., 3rd Councilmanic MELVIN DUCKETT, ET UX., Petitioners Case No. 95-351-A

Dear Chairman Schuetz:

At the conclusion of the hearing and prior to oral closing argument, our office requested permission to elect to submit written comments concerning the application of the holding in Turkey Point Property Owners Association, Inc. v. Anderson.

The parties were advised of this Court of Special Appeals case immediately prior to the Board hearing. Our office had not had an opportunity to obtain or read the opinion.

You agreed to accept written comments on this issue. You also indicated the Board is seeking an opinion from the Office of Law as to whether this decision applies to hearings before the Board of Appeals.

In Turkey Point, a non-attorney filed an order of appeal and Memorandum in the Circuit Court on behalf of a community association. The individual also presented oral argument at the Circuit Court. The opinion focused on representation and participation of the community association before the Circuit Court.

In the instant case, Valleys Planning Council, Inc. (VPC) participated at the hearing before the Deputy Zoning Commissioner. VPC noted an appeal to the County Board of Appeals in compliance with BCZR Section 500.10, which states:

Mr. Robert O. Schuetz, Chairman  
Board of Appeals of Baltimore County  
March 4, 1996  
Page Two

"Any person or persons, jointly or severally, or any taxpayer or any official, department, board or bureau of Baltimore County, feeling aggrieved by any decision of the zoning commissioner shall have the right to appeal therefrom to the board of zoning appeals. Notice of such appeal shall be filed, in writing, with the zoning commissioner within ten days from the date of any final order appealed from. Such appeals shall be heard and disposed of by the board of zoning appeals as hereinafter provided." (Footnotes omitted.)

(See also Baltimore County Code, Section 26-132, attached.)

BCZR Appendix G Rule 4 sets forth the procedure to conduct hearings before the Board of Appeals.

BCZR Appendix G Rule 6(a) addresses Appearance and Practice before the Board, and states:

"Any individual who is a party to a proceeding before the board may appear in his own behalf; any member of a partnership may appear as representing said partnership if it is a party; a duly authorized officer of a corporation, trust or an association may appear as representing said body if it is a party to the proceedings; and a duly authorized officer or an employee of any political subdivision or body or department may represent the same in any proceeding before the Board."

BCZR Rule 8 permits community associations to participate in Board hearings with a designated representative.

Thus, VPC was authorized to file an appeal of the Zoning Commissioner's decision and to participate through a representative at the Board hearing.

Our office is authorized to appear and participate in zoning matters before the Board of Appeals. See Baltimore County Charter Section 524.1.

The Deputy People's Counsel conducted the Protestants' case at the hearing in the instant case. The authorized representative from VPC testified on the organization's position in the case.

Therefore, in compliance with Turkey Point, a licensed attorney conducted direct examination of the VPC witness, cross examination of the Petitioner, and presented opening and closing legal arguments.

Mr. Robert O. Schuetz, Chairman  
Board of Appeals of Baltimore County  
March 4, 1996  
Page Three

If the Board of Appeals should determine that a corporation or association must be represented by counsel at Board hearings, it is submitted that the facts in the instant case do not violate the holding in Turkey Point. An attorney conducted the hearing of an appeal lawfully filed in accordance with the Baltimore County Code.

Very truly yours,

Peter Max Zimmerman  
Peter Max Zimmerman  
People's Counsel for Baltimore County  
Carole S. Demilio  
Carole S. Demilio  
Deputy People's Counsel

PMZ/CSD/csf

cc: Dr. and Mrs. Melvin Duckett

Mr. Tim Sanders, Sanders Designs

Mr. John Bernstein, Executive Director  
Valleys Planning Council

BALTIMORE COUNTY CODE  
PLANNING, ZONING AND SUBDIVISION CONTROL

§ 26-132

(b) The zoning commissioner shall furnish with reasonable promptness a copy of any paper or record in his office to any person applying for same upon payment in advance of the sum of fifty cents (\$0.50) per page or as otherwise established by the administrative officer for transcribing, photographing, or otherwise reproducing such paper. Such reproduction when so made and certified under the seal of the zoning commissioner shall be evidence in any court or before any county board, commission, or official.

(c) The zoning commissioner shall permit any resident of the county or representative of the press to inspect and examine, as soon as received for filing or at any time thereafter, all papers filed in the zoning commissioner's office and to make memoranda or notes therefrom for any lawful purpose whatsoever, without payment of fees therefor, and also to examine the records and indexes in his office, free of charge. It shall be the duty of the zoning commissioner to afford such person immediate access to such papers or records and a full opportunity to examine the same and make memoranda therefrom.

(d) All records kept by the zoning commissioner shall be open to inspection by the county executive or any member of the county council at all reasonable times, whether or not such records are required to be kept by statute or ordinance. The zoning commissioner is authorized, in his discretion, to permit other county officials to remove a zoning file from his office; provided such official signs a regular receipt book to be kept by the zoning commissioner as a permanent record which shall show the date and time that such file is taken and returned. When the file is returned, the receipt book must be signed by the person who had withdrawn the file and countersigned by the zoning commissioner or his deputy.

(e) Nothing contained in this title or elsewhere shall prevent the zoning commissioner from transferring any file in his official custody to the board of appeals or to any circuit court or to the state court of appeals while review of proceedings is pending, and upon making such transfer the zoning commissioner is hereby relieved from any duties or responsibilities in connection therewith until such file is returned to him.

(f) The provisions of this section shall be executed by the deputy zoning commissioner as well as the zoning commissioner, and they may delegate to their chief clerk the performance of the daily duties and responsibilities in connection therewith (Code 1978, § 22-30; Bill No. 18, 1990, § 2, Bill No. 4, 1992, § 1)

Sec. 26-132. Appeals to county board of appeals.

(a) Any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by any decision or order of the zoning commissioner or the director of zoning administration and development management shall have the right to appeal therefrom to the county board of appeals. No official, office, department, or board of the county aggrieved or feeling aggrieved by any decision of the zoning commissioner shall have the right to appeal therefrom to the county board of appeals without the prior approval of the administrative officer and the county attorney. People's counsel is not subject to such prior approval. Notice of such appeals shall be filed, in writing, with the director within thirty (30) days from the date of any final order appealed, together with the required fee as provided in the zoning regulations. Such appeals shall be heard and disposed of by the county board of appeals as may be provided in the Charter and the board's own rules of procedure. Any reclassification when granted by the county board of appeals shall, in the absence of an appeal therefrom, have the force and effect of law.

(b) For purposes of this section, the term "person aggrieved or feeling aggrieved" includes a duly constituted civic, improvement, or community association if:

(1) The property or issue which is the subject of the final order being appealed is:

- Located within the geographic limits of the association, said limits to be defined and determined by the first of the following criteria found applicable:
  - If incorporated, any geographic description contained in the association's



tion's corporate articles, bylaws, charter, or similar documents;

2. If not so incorporated, by any metes and boundaries description for the association contained in any zoning map, plat, or similar document on file at the county department of public works, the land records office of the county, or at some other county governmental agency or department;
3. If no such description exists, by any street, road, or thoroughfare description for the association contained in any zoning map, plat, or similar document on file in the county department of public works, the land records office of the county, or at some other county governmental agency or department;

- b. The property or issue is of such a nature and kind as to be within the association's discernible and assessable tax base if such exists; or of such a nature as to personally and specifically affect, damage, or impact the members of the association in a way different from that suffered by the members of any other associations or in a way different from a general interest such as is the concern shared by the public in general; or of such a nature or type as to give the members of the association a valid and discernible property interest therein or right thereto.

- (2) The association complies with the rules of procedure of the board.

(Code 1978, § 22-32; Bill No. 18, 1990, § 2; Bill No. 116, 1990, § 2; Bill No. 4, 1992, § 1)

Annotations—Remedy provided under title 34 of 1988 Code held to be an alternative to that afforded by this section, at least where it is affirmatively alleged that the planning board has violated zoning regulations and that a violation of either the zoning or the subdivision regulations was subject to an injunction under title 34. *Lynn v. Goldman*, 216 Md. 562, 341 A.2d 172 (1985).

County council need not follow the recommendations of the planning board, and need not have any further or additional hearing in regard to any changes or amendments the county

council may see fit to make. *Southshore Company v. Kerner*, 205 Md. 517, 295 A.2d 341 (1978).  
The people's council has the right to appeal zoning decisions. *People's Council for Baltimore County v. Williams*, 45 Md. App. 617, 415 A.2d 585 (1974).

#### Sec. 26-133. Appeals from the county board of appeals.

Appeals from the county board of appeals to the courts may be taken in the manner provided in article VI of the Charter.  
(Code 1978, § 22-33)

Annotations—This section 24-7, 1988 Code directs that the court of appeals shall not award cost of the appeal against any party to the appeal except the appellant. *Krom v. Board of Zoning Appeals of Baltimore County*, 209 Md. 420, 121 A.2d 181 (1956).

The adoption of a new land use may have caused issuance of the appeal to become moot. This section directs that the court of appeals should not award cost of the appeal against any party to the appeal except the appellant. *Lake Park Assn. v. Board of Zoning Appeals of Baltimore County*, 209 Md. 581, 121 A.2d 809 (1956). *Gray v. Board of Zoning Appeals of Baltimore County*, 210 Md. 21, 122 A.2d 521 (1956). *Hackett v. Board of Zoning Appeals of Baltimore County*, 211 Md. 174, 126 A.2d 621 (1956).

Cited in *Prince George's County v. Donohue*, 202 Md. 372, 152 A.2d 560 (1959).

Contrasted in *Rena v. Bonfield Holding Co.*, 202 Md. 34, 152 A.2d 615 (1960).

This section before amendment provided that in the appeal of zoning cases "the court of appeals shall not award cost of the appeal against any party to the appeal except the appellant." Maryland Rule 85a provides that in all cases at the court of appeals "the awarding of costs shall be in the discretion of the court, but unless it is otherwise ordered by the court, costs shall be awarded against the losing party." Here, that Maryland Rule 842 applies. *Reese et al. v. Mendel et al.*, 214 Md. 121, 157 A.2d 111 (1961).

Referred to in *Rena v. Bonfield Holding Co.*, 202 Md. 34, 152 A.2d 615 (1960).

A person who was not a party to a proceeding before the board of appeals has no standing to appeal from an order entered by the board of appeals. *Hittner v. County Board of Appeals*, 202 Md. 297, 152 A.2d 111 (1961).

#### Sec. 26-134. Correction of zoning map.

- (a) The owner of any property may give written notice to the director of planning and zoning that the zoning map last enacted by the county council does not accurately reflect the final zoning classification imposed by the council on the owner's property during the last or prior comprehensive

95-351-A

1239818 23500

5306-AD

HEAVIN COMPANY  
April 8, 1993

#### DESCRIPTION OF ELISE GILLET BOYCE PROPERTY a.k.a. Bacon Hall Farm Located near Sparks RD & TA ELECTION DISTRICTS BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the western right-of-way of Interstate 83, a.k.a. Baltimore-Hartford Expressway, a variable width right-of-way, at a point located 107' westerly along a radial line from northbound center-line station 342+54.42 and station 357+43.00 and as conveyed to the State Roads Commission of Maryland by deed dated February 1, 1960 and recorded among the land records of Baltimore County in Liber 3685 at Folio 414 and shown on State Roads Commission Plans 21130, 21151, and 21152 and as conveyed to the State of Maryland to the use of The State Highway Administration of the Department of Transportation by deed dated April 24, 1972 and shown on State Roads Commission Plans 36715 and 36716 and on file at the State Highway Administration; said beginning point being also described as located at the point of beginning for the conveyance to Elise Gillet Boyce by deed dated September 22, 1981 and recorded in Liber 6331 at Folio 105.

Thence having the point of beginning and running reversely with the eighborn through twenty-six courses of said Liber 6331 at Folio 105 and running with said western right-of-way of Interstate 83 the following side courses and distances, as now surveyed and adjusted to reflect the Baltimore County Aduith as determined from Baltimore County Traverse Station 14912 and 14913:

1. South 36°18'51" East - 48.27;
2. South 53°45'30" East - 51.66;
3. South 39°44'29" East - 194.33;
4. South 26°12'36" East - 146.88;
5. South 20°06'49" East - 144.35;
6. South 21°33'36" East - 344.18;
7. South 18°35'13" East - 256.57 to a point of curvature;

# 342

#### THE VALLEYS PLANNING COUNCIL, INC.

212 Washington Avenue  
P.O. Box 5402  
Towson, Maryland 21285-5402  
410-337-6877  
410-296-5409 (FAX)

April 26, 1995

Zoning Commissioner of Baltimore County  
Room 112  
Old Court House  
Towson, MD 21204

RE: 900 Bacon Hall Rd, Case #95-351-A (Item 342)

Dear Sir:

The Valleys Planning Council wishes to register its strong opposition to the requested height variance in this case. *Cromwell v. Ward* stated, re height variances:

"The variance process... is at least a two step process. The first step requires a finding that the property whereon structures are to be placed... is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties... Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied..."

There is clearly nothing unique or unusual about the subject property; on the contrary, a glance at the tax map and at contour maps shows that it is a farm highly typical of the area both in size and in topography. This is corroborated by our own long experience with the property.

Further, we would point out that the farm lies in a National Register Historic District and that the proposed structure would form an unwelcome visual intrusion into that District.

Many thanks for your attention to this matter.

Sincerely,

John Bernstein  
John Bernstein  
Executive Director

cc: ZADM

#### THE VALLEYS PLANNING COUNCIL, INC.

212 Washington Avenue  
P.O. Box 5402  
Towson, Maryland 21285-5402  
410-337-6877  
410-296-5409 (FAX)

July 11, 1995

Arnold Jablon, Director  
ZADM  
111 W. Chesapeake Ave.  
Towson, MD 21204

Re: Petition for Variance  
N/S Bacon Hall Rd, 1400' E of the c/l of Gillet  
Rd. (900 Bacon Hall Road)  
7th Election District - 3rd Councilmanic District  
Case #95-351-A

Dear Mr. Jablon:

Please enter an appeal of the Valleys Planning Council, Inc., 212 Washington Ave., Towson, MD 21204; and Richard B. Buck, 11219 Greenspring Avenue, Lutherville, MD 21093 to the County Board of Appeals from the order dated June 12, 1995 of the Baltimore County Deputy Zoning Commissioner in the above case. Enclosed is our check for the filing fee.

Please forward to the Valleys Planning Council copies of any papers pertinent to this appeal as appropriate.

Very truly yours,

John Bernstein  
John Bernstein  
Executive Director

cc: Dr. and Mrs. Melvin Duckett  
P.O. Box 178  
Phoenix, MD 21131

Mr. Tim Sanders  
108 W. Timonium Road  
Timonium, MD 21093

JUL 21 1995  
ZADM

PLEASE PRINT CLEARLY

#### PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

*Kevin Frappo*  
*Tim MULLAN*  
*The Valleys Planning Council*  
*P.O. Box 5402 Towson, MD 21285*  
*1620 Cold Bay Rd.*

PLEASE PRINT CLEARLY

#### PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

*Mr. Duckett*  
*TIMOTHY SANDERS*  
*P.O. Box 178*  
*Phoenix MD 21131*  
*108 W. TIMONIUM RD*  
*TIMONIUM MD 21093*



FRONTAL VIEW OF BACON HALL MANOR HOUSE



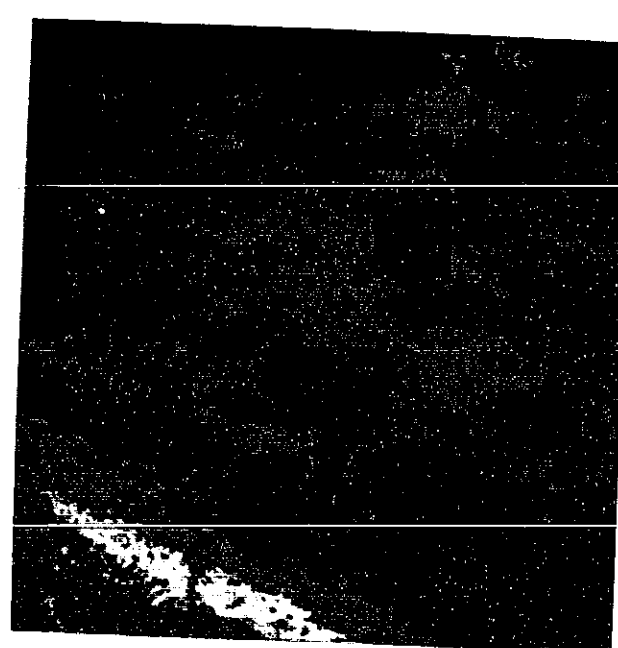
CARRIAGE HOUSE

(pc2)  
APP. EXH. # 2

with 444 (blow)  
future (lines)



351





THOMAS F. MULLAN, III  
1620 COLD BOTTOM ROAD  
SPARKS, MARYLAND 21152

July 6, 1995

Dr. Melvin Duckett  
P. O. Box 178  
Phoenix, Maryland 21131

Dear Mel:

Enclosed please find some propaganda from Baltimore County concerning the easement program about which we spoke. I am also enclosing a publication from the Valleys Planning Council which includes an article on page 3 that outlines Doug Worrall's approach to this situation. He may be of some use to you in the future. Further enclosed, please find an old appraisal that I used when I put my land into the program. The whole transaction is slightly confusing, however, the rewards, in my opinion, are tremendous.

I would think that you land would bring a minimum of \$4,000 per acre tax free. As you may be aware, all of the lands of Mr. Ensor, Spaulding Goetze, and a portion of Mrs. Merryman's are already in the program. I am under the impression that Mrs. Merryman is going to put the remainder of her land in, in the near future. Messrs. Carl and Robert Nash, who are your neighbors on Cedar Grove Road, have put all of their land in, as has Mr. Ensor with his holdings on Cedar Grove Road.

If I can be of further assistance on this or any other matter, please do not hesitate to contact me. My work number is 494-9200 and my home number is 771-4460.

Best of luck to you and your wife in your new home, and welcome to the neighborhood.

Very truly yours,

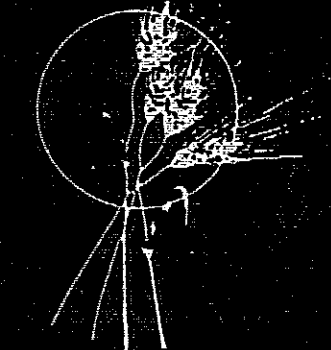
Thomas F. Mullan, III

TFMIII:fkf  
Encs.

MULLAN

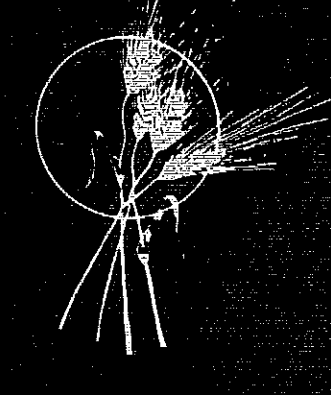
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FACT SHEET  
**1**  
**AGRICULTURAL  
PRESERVATION  
DISTRICTS**



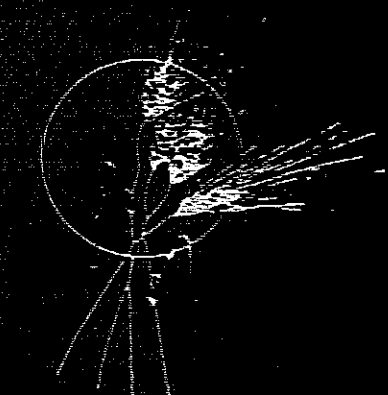
Maryland  
**WATER**  
WATER  
Maryland Agricultural Land  
Preservation Foundation  
MARYLAND DEPARTMENT OF AGRICULTURE

FACT SHEET  
**2**  
**THE  
EASEMENT  
ACQUISITION  
PROGRAM**



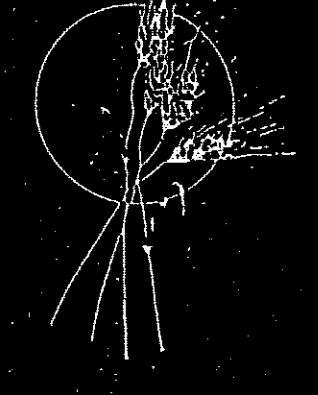
Maryland  
**WATER**  
WATER  
Maryland Agricultural Land  
Preservation Foundation  
MARYLAND DEPARTMENT OF AGRICULTURE

FACT SHEET  
**3**  
**SETTLEMENT OF  
A DEVELOPMENT  
RIGHTS  
EASEMENT**



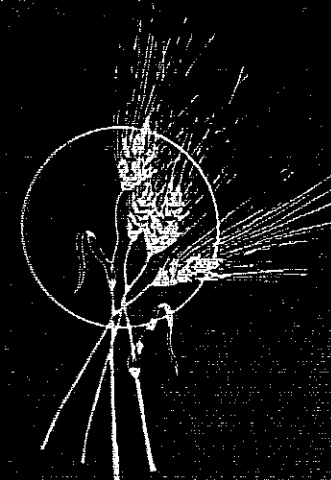
Maryland  
**WATER**  
WATER  
Maryland Agricultural Land  
Preservation Foundation  
MARYLAND DEPARTMENT OF AGRICULTURE

FACT SHEET  
**4**  
**DEVELOPMENT  
RIGHTS RETAINED  
IN DISTRICTS  
AND EASEMENT  
PROPERTIES**



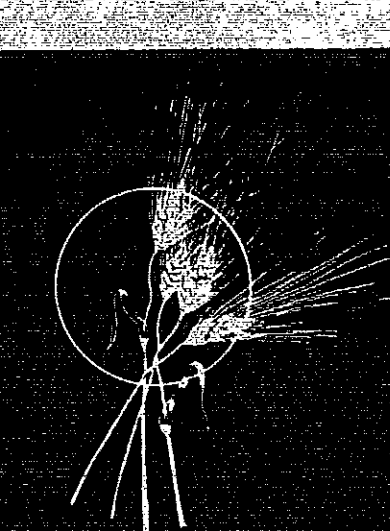
Maryland  
**WATER**  
WATER  
Maryland Agricultural Land  
Preservation Foundation  
MARYLAND DEPARTMENT OF AGRICULTURE

FACT SHEET  
**5**  
**SMALL  
PROPERTIES  
IN THE  
AGRICULTURAL  
PRESERVATION  
PROGRAM**

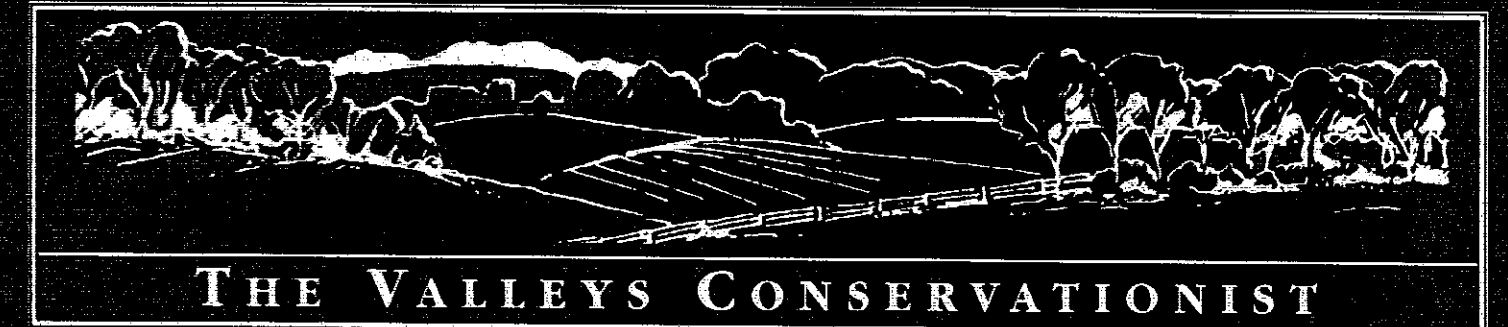


Maryland Agricultural Land  
Preservation Foundation  
MARYLAND DEPARTMENT OF AGRICULTURE

FACT SHEET  
**6**  
**SUBSEQUENT  
OWNERS OF  
DISTRICTS OR  
EASEMENT  
PROPERTIES**



Maryland Agricultural Land  
Preservation Foundation  
MARYLAND DEPARTMENT OF AGRICULTURE



THE VALLEYS PLANNING COUNCIL, INC.  
SPECIAL EDITION, AUTUMN 1994

**A Message to The Valleys from Tom Horton . . .**

Just as our physical well-being is tied to the world in which we work and play and love, so is the state of the Chesapeake Bay intimately connected to a system extending from the ocean to lands drained by its tributary rivers as far away as New York and West Virginia, lands populated by some 15 million people. Its health is equally inseparable from the quality of the air above it and the great, invisible reserves of groundwater beneath it. What the growing human population does to transform the land and puts in the air is as important as what it discharges directly into the water.

Imagine it this way: every last acre of forest remaining in Baltimore County, parks, nature centers and all, changed to housing. Or virtually every farm vanished, sown permanently in bedrooms for commuters.

Such scenarios represent the vast open space consumed in today's suburban sprawl by the 200,000 people who once fit into about one-quarter of Baltimore City.

Sprawl development is shown by study after study to raise taxes, waste energy and increase pollution. Environmentally, economically, and aesthetically, it is a loser.

When we ride or hike through the lands of the bay region, we still see a great deal of farm and forest. But if we could overlay these in our minds with the subdivision and free-wheeling zoning already in place on much of that land, we would be sobered by this new vision of how it will soon look.

And if we were able to envision another overlay—the prevailing attitudes toward private property rights versus the common good—the future of the landscape would look even more bleak. Land use and development in the bay's watershed are overwhelmingly and fundamentally shortsighted and destructive—economically, environmentally, and culturally. We continue to use open space and unique parts of our natural heritage with the same wastefulness we have historically shown for other nonrenewable resources like coal and oil.

However much we may love and enjoy the water, it is on the lands of the watershed that we live most of our lives. If we cannot preserve extensive natural green spaces, if our transportation systems are congested and our air is not fit to breathe, then all the rockfish and canvasback ducks in the world will not make this the "Land of Pleasant Living."

Land use is tied closely to environmental quality in a number of ways. More water and air pollution results from converting open space to other uses. The character of the landscape and regional cultures are destroyed by sprawl development, as well as industries such as agriculture and forestry.

Your Plan for the Valleys is based on planner Ian McHarg's visionary concept that "the natural land form has an inherent sense of order."

In the areas where developers would most naturally have developed — the broad, open valley floors — no development would be allowed. On the forested slopes that wall the valleys only very restricted development would occur. In these elements reside what Mr. McHarg called the "genius of the landscape," and they must be kept intact.

The real genius of the Plan for the Valleys is ultimately something less definable than identification of growth and non-growth areas. It is recognition that absolute freedom of choice for each property owner to dispose of owned land results inevitably in destroying options for society as a whole.

(Continued on Page 6)

**SAVE THE VALLEYS**

by Margaret Worrall, Executive Director

After many years of working with and for The Valleys Planning Council, I believe more firmly than ever that the most compelling action we can take to protect the valleys is to place our own land in permanent preservation.

Zoning laws change; political factions come and go; development pressures mount from all sides.

Yet country people have always been fiercely independent, and self-reliance is what can save the valleys. Real preservation will come not through government regulations, tax advantages, transfer and/or purchase of development rights, or successful estate planning as important as these incentives may be.

Ultimately, saving the valleys — if they are to be saved — will be accomplished because individual landowners feel strongly enough about the ideal and ethic of the land that they place their own holdings in protective easements.

"Land is the only thing in the world that amounts to anything for its only thing in this world that lasts."

—Gore With the Wind



# PROPERTY ANALYSIS

1. Area B-1 and Area B-2 were considered one parcel when subdivided in 1985 and are not subject to Bill 199-80. These parcels may stand on their own having a remaining density of one unit. And B-1 may not be subdivided further.
2. Parcel D was subdivided prior to Bill 199-80 and stands on its own and may not be further subdivided (100 acres). A plat was recorded with each deed.
3. Tract F is adjacent property and part of a 1981 subdivision which may not be further subdivided and a density of one unit remains.
4. Parcel C was recorded 4/23/79 and consists of 2 lots. At that time K-2 density permitted was much higher (more than 100 acres, 20 lots and 1 additional lot for each 25 acres in excess of 100 acres) Bill 84-75. This would not limit density of existing parcels.
5. Parcel E-1 was created by Deed in August of 1984 and has a permitted density of 2 units.
6. Parcel E-2 was created by Deed in August of 1984 and has a permitted density of 2 units.
7. Parcel A-1 (180 Acres) is the remainder of Tract A and includes area A-1a (2 Acres) and has a density of 3 units.
8. Total density remaining (Parcel A-1, E-1, E-2 and Tract F) = 2 units.

Tract A	Overall Gross Area	247.5 AC±	
Parcel D	Gross Area	4.9 AC±	
Parcel E-1	Gross Area	4.4 AC±	
Parcel C	Gross Area	12.9 AC±	
Parcel E-2	Gross Area	23.8 AC±	
Parcel B-1	Gross Area	15.2 AC±	
Parcel B-2	Gross Area	2.5 AC±	
Area A-1a	Gross Area	2 AC±	
Parcel A + B-2	Gross Area	186 AC±	
Parcel A EXCLUDING Parcel B-2	Gross Area	164 AC±	
Tract F is not part of Tract A	Gross Area	22 AC±	

## NOTES:

1. To confirm the density analysis.
2. To permit a non-density transfer of Area A-1a to Parcel E-1.
3. To transfer 1 or both units restricted on E-1 to A-1, B-2 or Tract F.
4. If both units are permitted to be transferred from E-1 a request is made to make a non-density transfer of E-1 to Tract F.
5. In a broader scope, generally to utilize the 7 units of density remaining in any reasonable and workable design.

## RE: "Bacon Hall" Tract "A" Overall

Place of beginning being located North 76° 30' West 108'± from the point of intersection of the center lines of Cedar Grove Road and Cold Bottom Road thence in a clockwise direction:

- 1 - South 76° 30' East 2,156.25'±
- 2 - North 67° West 3,106.13'±
- 3 - North 27° West 53'±
- 4 - North 39° 30' West 152.63'±
- 5 - North 29° 45' West 318.45'±
- 6 - South 80° West 924'±
- 7 - North 12° 30' West 870.36'±
- 8 - South 75° West 445.55'±
- 9 - North 53° West 891'±
- 10 - South 75° 1,179.95'±
- 11 - South 14° 20' East 2,870'±
- 12 - South 75° 30' East 536'±
- 13 - North 74° 30' East 198'±
- 14 - South 6° East 1,010.63'± and
- 15 - North 74° 30' East 280.5'± to the place of beginning.

(Containing 247.5 acres of land more or less)

## RE: "Bacon Hall" "A-1a" (Remainder)

Being all of Tract "A" saving and excepting, B-1, B-2, C, D, E-1 and

Containing 161 acres of land more or less.

## RE: "Bacon Hall" "A-1a"

Point of beginning being located in the center of Cedar Grove Road northerly 485'± from its intersection with the center line of Bacon Hall Road thence in a clockwise direction:

- 1 - Along the center of Cedar Grove Road northerly 550'±
- 2 - South 57° 15' 53" West 125.00'±
- 3 - South 15° 27' 54" East 283.00'± and
- 4 - South 71° 07' 06" East 324.46'± to the place of beginning.

Containing 2 acres of land more or less.

## RE: "Bacon Hall" "B-1"

Beginning at a point located in the center of Bacon Hall Road 1,440 feet easterly along the center line of Bacon Hall Road from its intersection with the center of Cedar Grove Road thence in a clockwise direction:

- 1 - South 75° 55' 25" East 713.33'±
- 2 - South 10° 34' 24" East 832.18'±
- 3 - North 83° 32' 45" West 898.14'± and
- 4 - North 03° 50' 29" East 877.20'± to the place of beginning.

Containing 15.2 acres of land more or less.

## RE: "Bacon Hall" "B-2"

Beginning at the point of intersection of the center lines of Cedar Grove Road and Bacon Hall Road thence in a clockwise direction:

- 1 - Easterly along the center line of Bacon Hall Road 1,440'±
- 2 - Binding on Parcel "B-1" southerly 877.20'±
- 3 - Binding on Parcel "C" westerly 1,117'± to the center line of Cedar Grove Road and
- 4 - Along the center of Cedar Grove Road 915'± to the place of beginning.

Containing approximately 25 acres of land more or less.

## RE: "Bacon Hall" "C"

Beginning at the point of intersection of the center lines of Cedar Grove Road and Cold Bottom Road thence in a clockwise direction:

- 1 - South 87° 34' 44" East 1,280'±
- 2 - South 17° 16' 10" East 870.36'±
- 3 - South 17° 16' 10" East 870.36'± and
- 4 - South 17° 16' 10" East 870.36'± to the place of beginning.

Containing 11.9 acres of land more or less.

## RE: "Bacon Hall" "D"

Beginning at the point of intersection of the center lines of Cedar Grove Road and Cold Bottom Road thence in a clockwise direction:

- 1 - Northerly along the center line of Cedar Grove Road, 1,080'±
- 2 - South 77° 30' East 180'±
- 3 - South 4° West 1,013'±
- 4 - North 74° 30' East 198'± along the center line of Cold Bottom Road and
- 5 - Still along the center line of Cold Bottom Road South 75° 12' East 104'± to the place of beginning.

Containing 9.1 acres of land more or less.

## RE: "Bacon Hall" "E-1"

Beginning at a point in the center of Cedar Grove Road northerly 140'± along the center of this Road from its intersection with center of Bacon Hall Road thence in a clockwise direction:

- 1 - North 17° 04' 00" East 517.43'±
- 2 - North 17° 16' 10" East 870.36'±
- 3 - North 74° 27' 30" East 924.00'±
- 4 - North 15° 27' 54" East 283.00'±
- 5 - North 57° 15' 53" East 125.00'±
- 6 - North 17° 04' 00" East 517.43'±
- 7 - S = 100.00'±, 2 = 135.00'±, and March 80 43' 09" West 187.45'±
- 8 - North 58° 28' 12" West 14.00'±
- 9 - North 88° 08' 27" West 101.17'±
- 10 - North 82° 09' 28" West 101.72'±
- 11 - North 57° 02' 50" West 101.41'±
- 12 - South 10° 18' 18" East 116.00'±
- 13 - South 88° 22' 08" West 98.16'± and
- 14 - North 63° 24' 04" East 92.25'± to the place of beginning.

Containing 13.9 acres of land more or less.

## RE: "Bacon Hall" "E-2"

Beginning at a point located in the center of Cedar Grove Road northerly 140'± from its intersection with Bacon Hall Road thence in a clockwise direction:

- 1 - Along the west right-of-way line of I-83 northerly 2,954.68'±
- 2 - South 69° 50' 50" West 517.43'±
- 3 - South 17° 16' 10" East 870.36'±
- 4 - South 74° 27' 30" East 924.00'±
- 5 - South 11° 17' 30" East 318.45'±
- 6 - South 45° 02' 30" East 152.63'±
- 7 - South 33° 32' 30" East 33.00'±
- 8 - South 10° 34' 24" East 1,112.00'±
- 9 - South 75° 54' 10" East 322.03'±
- 10 - South 32° 11' 45" East 159.53'± and
- 11 - South 88° 36' 04" East 92.25'± to the place of beginning.

Containing 22 acres of land more or less.

## RE: "Bacon Hall" "Tract F"

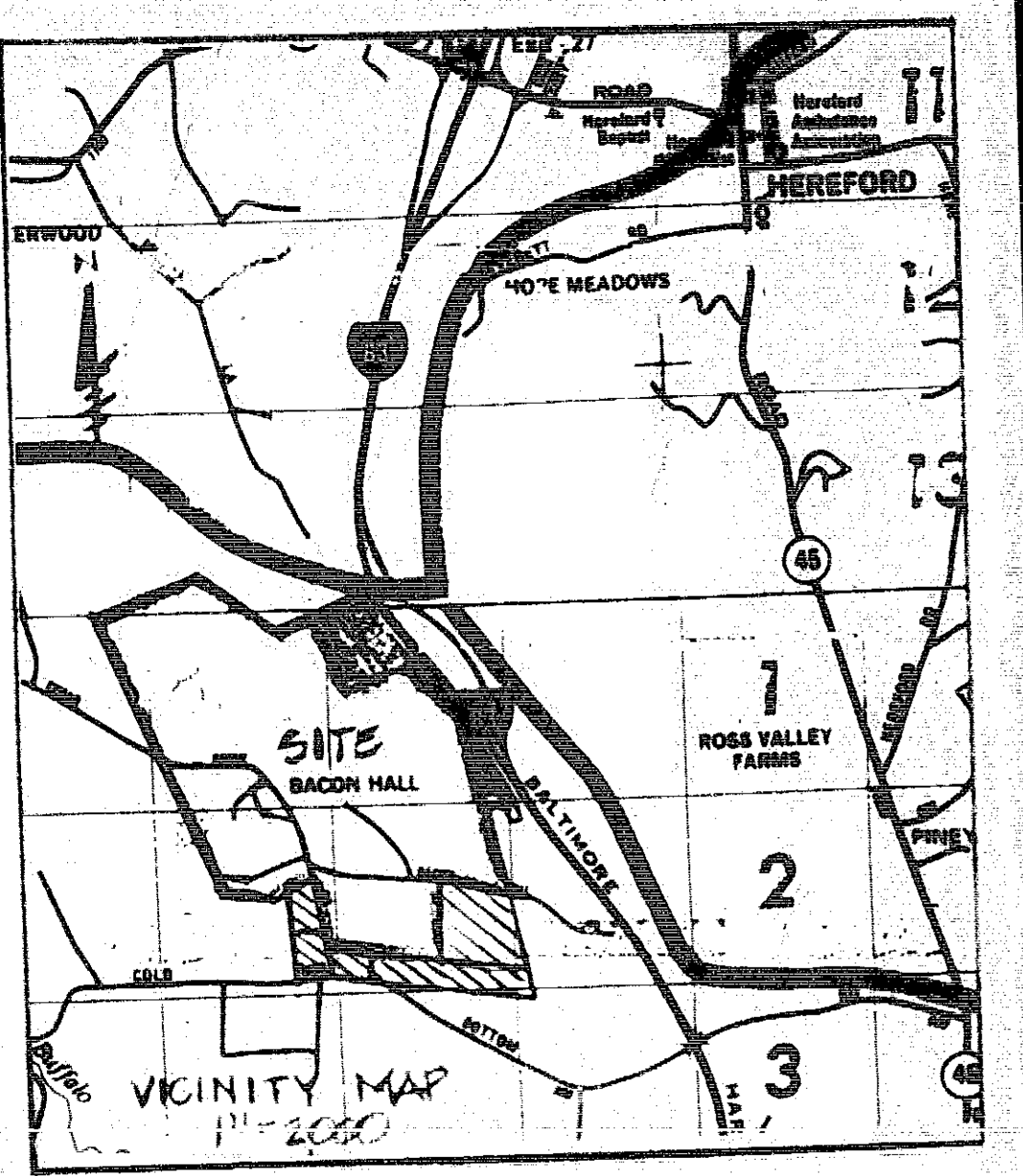
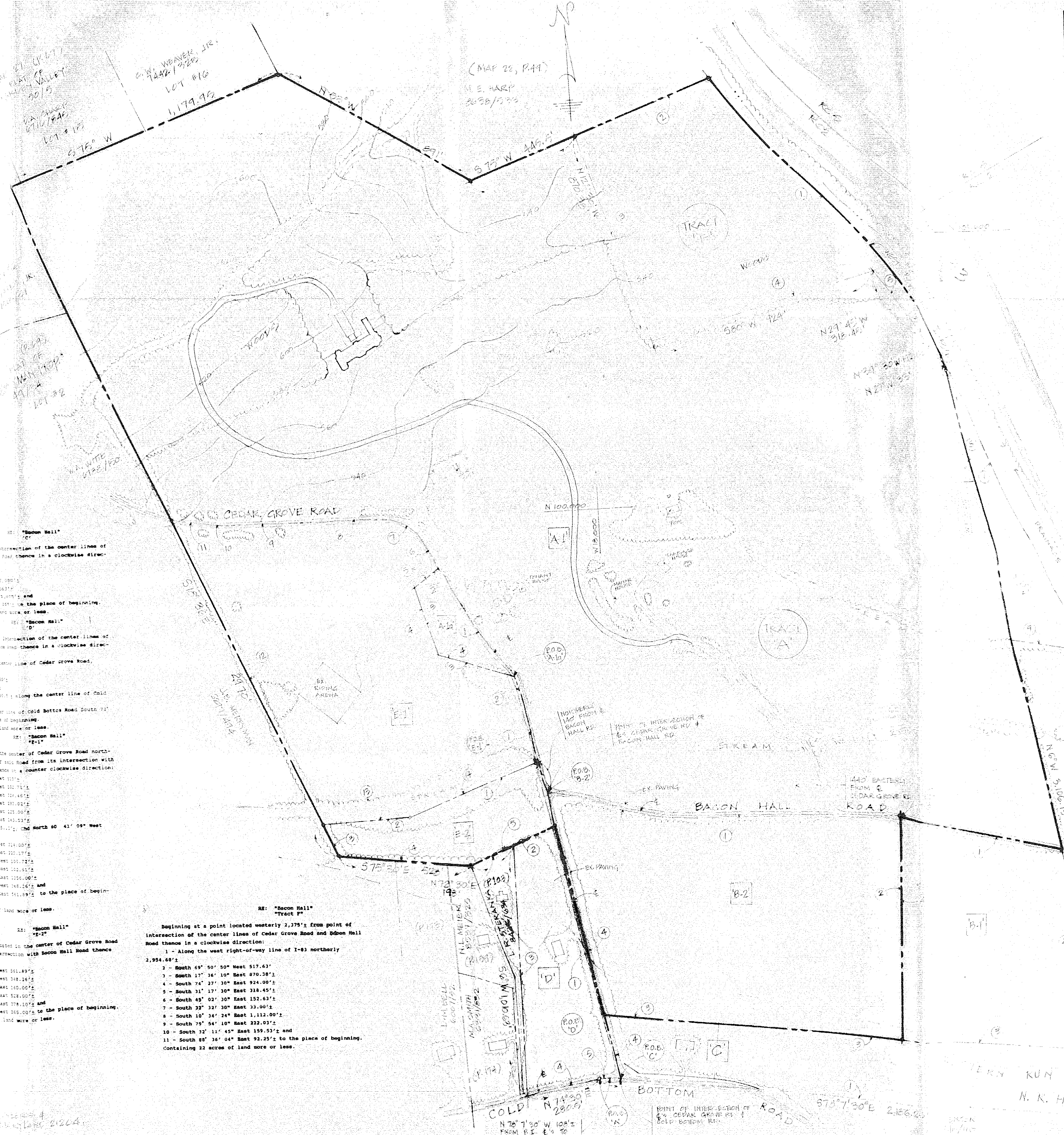
Beginning at a point located westerly 2,375'± from point of intersection of the center lines of Cedar Grove Road and Bacon Hall Road thence in a clockwise direction:

- 1 - Along the west right-of-way line of I-83 northerly 2,954.68'±
- 2 - South 69° 50' 50" West 517.43'±
- 3 - South 17° 16' 10" East 870.36'±
- 4 - South 74° 27' 30" East 924.00'±
- 5 - South 11° 17' 30" East 318.45'±
- 6 - South 45° 02' 30" East 152.63'±
- 7 - South 33° 32' 30" East 33.00'±
- 8 - South 10° 34' 24" East 1,112.00'±
- 9 - South 75° 54' 10" East 322.03'±
- 10 - South 32° 11' 45" East 159.53'± and
- 11 - South 88° 36' 04" East 92.25'± to the place of beginning.

Containing 22 acres of land more or less.

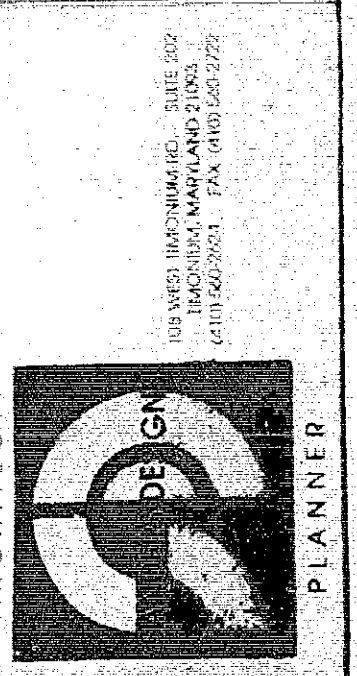
PET. EXH #2 (10 PAGES)

NOTE: SITE PLAN PREPARED FROM DRAWING MADE 6 JULY 1982 BY GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC., AND SUBSEQUENT LAND SURVEYING; 658 KENILWORTH DRIVE, SUITE 103, TOWSON, MARYLAND 21204. PREPARED BY VET, SANCER & ASSOCIATES



- TITLE
1. Tract "A", Elias Gillet Boyce, Deed 265/443
  - Parcel "B-1", Elias Gillet Boyce, Deed 265/443 (Recorded March 1955)
  - Parcel "B-2", Elias Gillet Boyce, Deed 265/443 (Recorded March 1955)
  - Parcel "C", Elias Gillet Boyce, Deed 44/66 (Recorded 4/23/79 (Lot #1 - M.C. Orman - 7317/231) (Lot #2 - M.S. Alallo - 7442/395)
  - Parcel "D", Lot #1 - C. Cole, Deed w/Plat 8022/489, Recorded in November 1984 and Lot #2 R.J. Bailey, Jr. - Deed w/Plat 8059/222 Recorded in December 1988
  - Parcel "E-1" and "E-2" - Elias Gillet Boyce, Deed 4904/793 Recorded in August 1988
  - Tract "F" - Elias G. Boyce, Deed 6331/105 Recorded in September 1981

NOTES:  
1) PARCELS "B-1", "C" & "D" ARE NO LONGER PART OF THE ESTATE.  
2) ALL ON-SITE & SURROUNDING ZONING IS RC-2.



DR. MELVIN & KATHY DUCKETT

20 MAR. 95  
1" = 300'  
SITE PLAN  
A1-1



95-351-A

# ANALYSIS

1. Area B-1 and Area B-2 were considered one parcel when subdivided in 1981 and are not subject to Bill 198-80 since Parcel B-2 may stand on its own having a remaining density of one unit. Area B-1 may not be subdivided any further.
2. Parcel B was subdivided prior to Bill 198-80 and stands on its own and may not be further subdivided (lots sold). A plot was recorded with each deed.
3. Tract F is adjacent property and part of a 1981 subdivision which may not be further subdivided and a density of one unit remains.
4. Parcel C was recorded 4/23/79 and consists of 2 lots. At that time RC-2 density permitted was much higher (more than 100 acres, 20 lots and 1 additional lot the south 25 acres is a portion of 100 acres) Bill 80-71. This should not limit density of existing parcels.
5. Parcel B-1 was created by deed in August of 1964 and has a permitted density of 7 units.
6. Parcel B-2 was created by deed in August of 1964 and has a permitted density of 7 units.
7. Parcel A-1 (160 AC-2) is the remainder of Tract A and includes area A-1a (2 AC-2) and has a density of 7 units.
8. Total density remaining (Parcel A-1, B-2, E-2 and Tract F) = 7 units.

Tract A	Overall Gross Area	247.1 AC-2	
Parcel D	Gross Area	4.1 AC-2	
Parcel E-2	Gross Area	4.4 AC-2	
Parcel C	Gross Area	22.9 AC-2	
Parcel E-1	Gross Area	22.9 AC-2	
Parcel B-1	Gross Area	15.2 AC-2	
Parcel B-2	Gross Area	2.5 AC-2	
Area A-1a	Gross Area	2 AC-2	
Parcel A-1	Gross Area	158 AC-2	
Parcel A-2	Gross Area	148 AC-2	
Tract F is not part of Tract A	Gross Area	22 AC-2	

## LANDING SUMMARY

1. To confirm the density analysis.
2. To permit a non-density transfer of Area A-1a to Parcel E-1.
3. To transfer 1 or both units permitted on B-2 to A-1, B-2 or Tract F.
4. If both units are permitted to be transferred from B-2 a request is made to make a non-density transfer of A-1 to B-2 in a broader scope, generally to utilize the 7 units of density remaining in any reasonable and workable design.

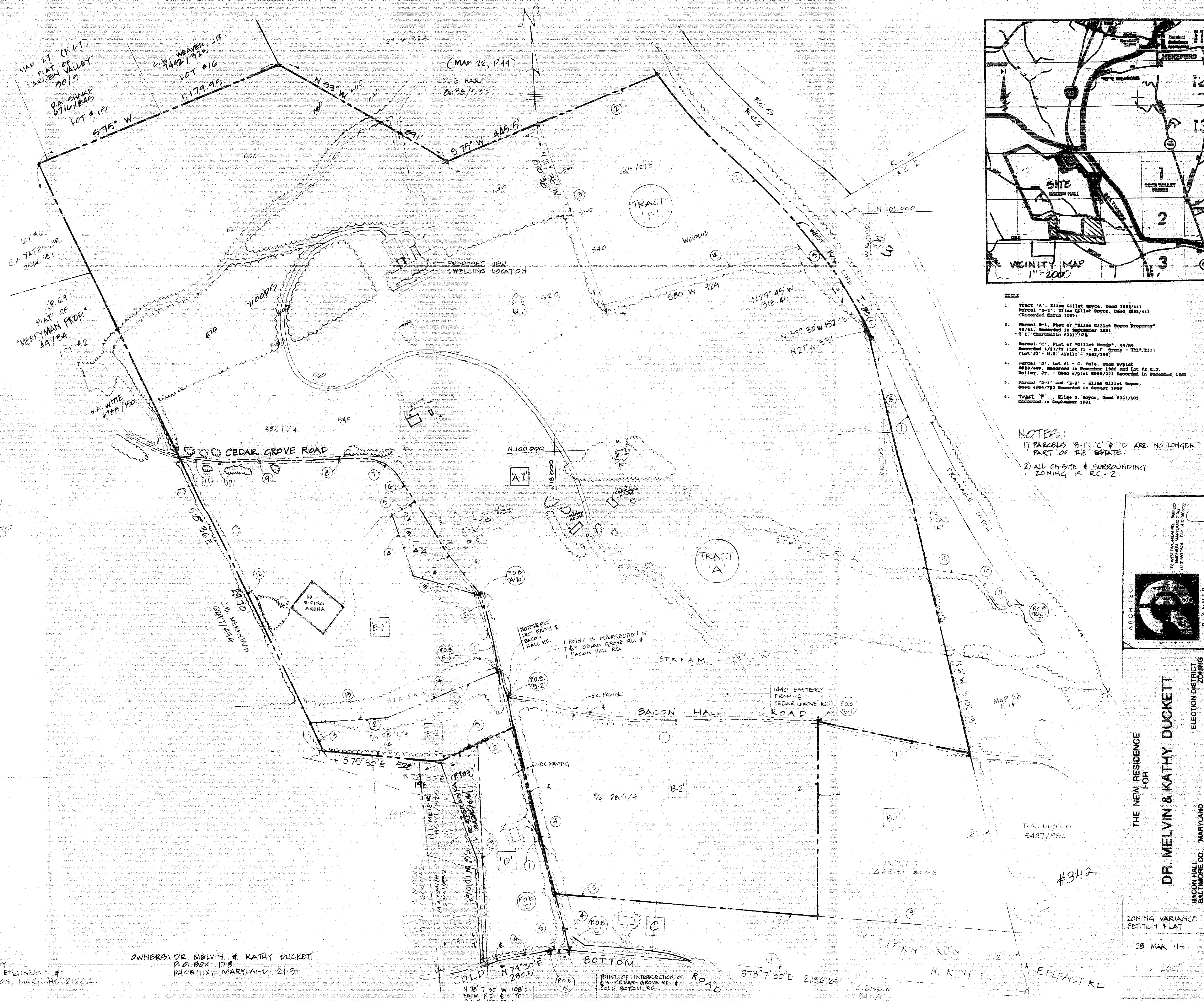
## PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

BACON HALL ~ DUCKET PROP  
300 BACON HALL ROAD  
BALTIMORE COUNTY MARYLAND  
ELECTION DISTRICTS #3 & #7  
COUNCILMANIC DISTRICT #3

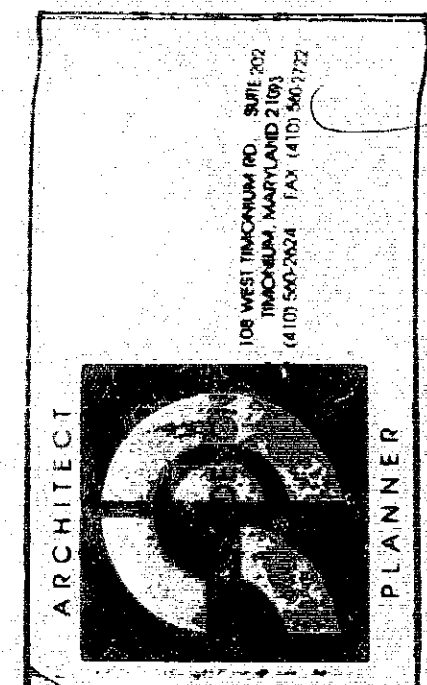
ZONING MAPS: NW 25C & D AND NW 26 C & D  
LOT FREE 25.05 ACRES  
SEWER: PRIVATE  
WATER: PRIVATE  
CHEAPESTE EAT CRITICAL AREA: NO  
FROM ZONING HEARINGS: 95.23-SPL

NOTE:  
SITE PLAN PREPARED FROM DRAWING MADE 6 JULY 1992 BY  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC., CIVIL ENGINEERS &  
LAND SURVEYORS, 655 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204.  
PREPARED BY: VLT, SANDERS DESIGN

OWNERS: DR. MELVIN & KATHY DUCKETT  
P.O. BOX 178  
PHOENIX, MARYLAND 21131



NOTES:  
1) PARCELS 'B-1', 'C' & 'D' ARE NO LONGER PART OF THE ESTATE.  
2) ALL ON-SITE & SURROUNDING ZONING IS RC-2.



THE NEW RESIDENCE FOR  
DR. MELVIN & KATHY DUCKETT  
BALTIMORE CO. MARYLAND  
ELECTION DISTRICT ZONING

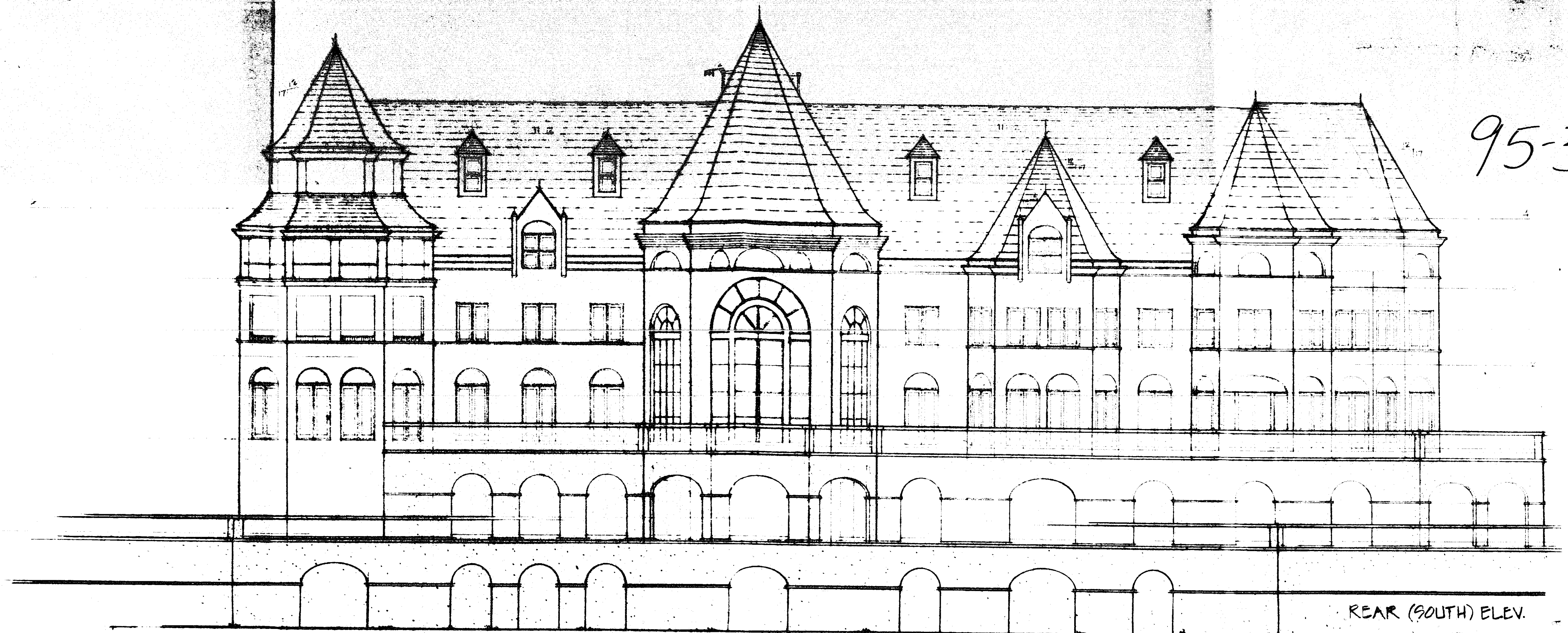
ZONING VARIANCE PETITION PLAT  
28 MAR. 95  
1" = 200'  
SHEET 1 OF 1







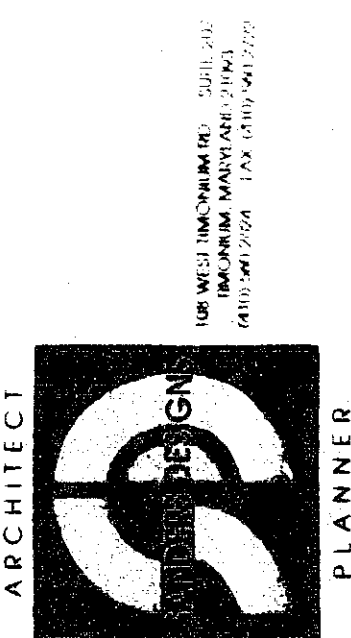
95-351-A



REAR (SOUTH) ELEV.



LEFT (EAST) ELEV.



THE NEW RESIDENCE  
FOR  
**DR. MELVIN & KATHY DUCKETT**  
BACON HALL  
BALTIMORE CO., MARYLAND  
ELECTION DISTRICT  
ZONING

10 APRIL 95  
1/8" = 1'-0"  
REAR LEFT SIDE ELEV.  
A-2-2

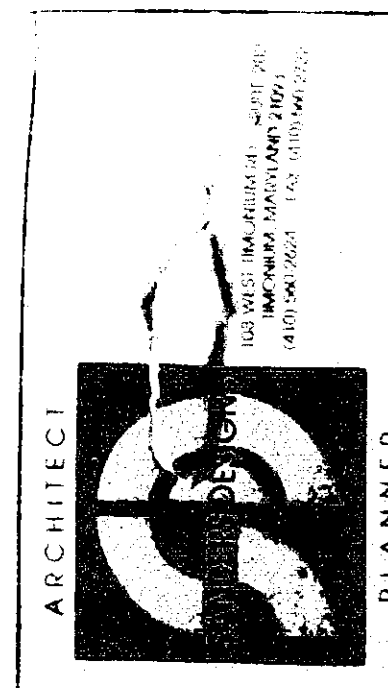




FRONT (NORTH) ELEV.



RIGHT (WEST) ELEV.

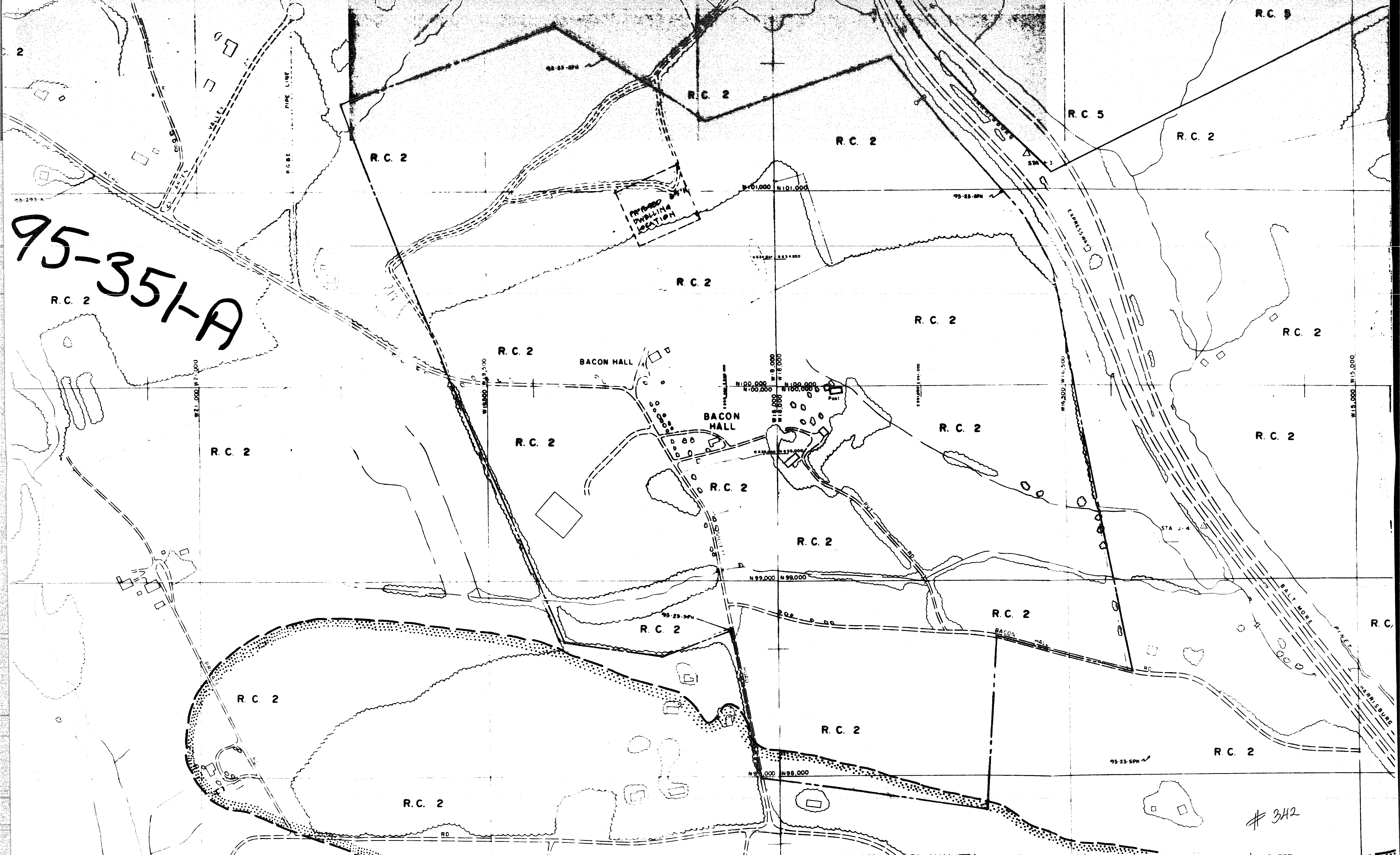


THE NEW RESIDENCE  
FOR  
**DR. MELVIN & KATHY DUCKETT**  
BACON HALL  
BALTIMORE CO., MARYLAND  
ELECTION DISTRICT  
ZONING

*Case 95-351-A*

DATE PREPARED
12 APRIL 95
12 1/2" x 10"
FRONT RIGHT ELEV.
A-1





95-351-A

DD-NW DD-NE  
HH-SW HH-SE

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

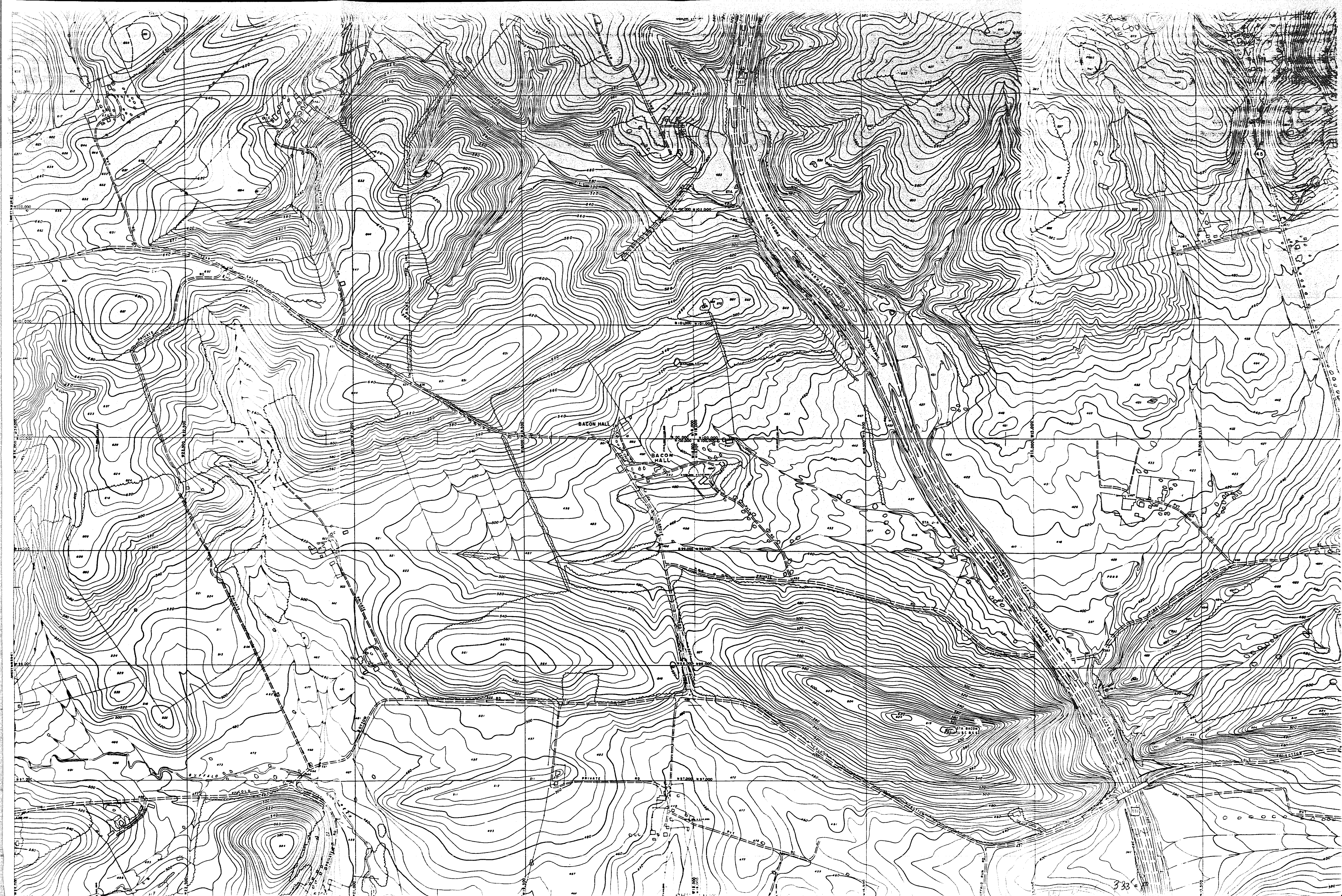
SH No. 144-05, 145-05, 146-05, 147-05, 148-05, 149-05, 150-05

THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART HORN, INC. BALTIMORE, MD. 21210

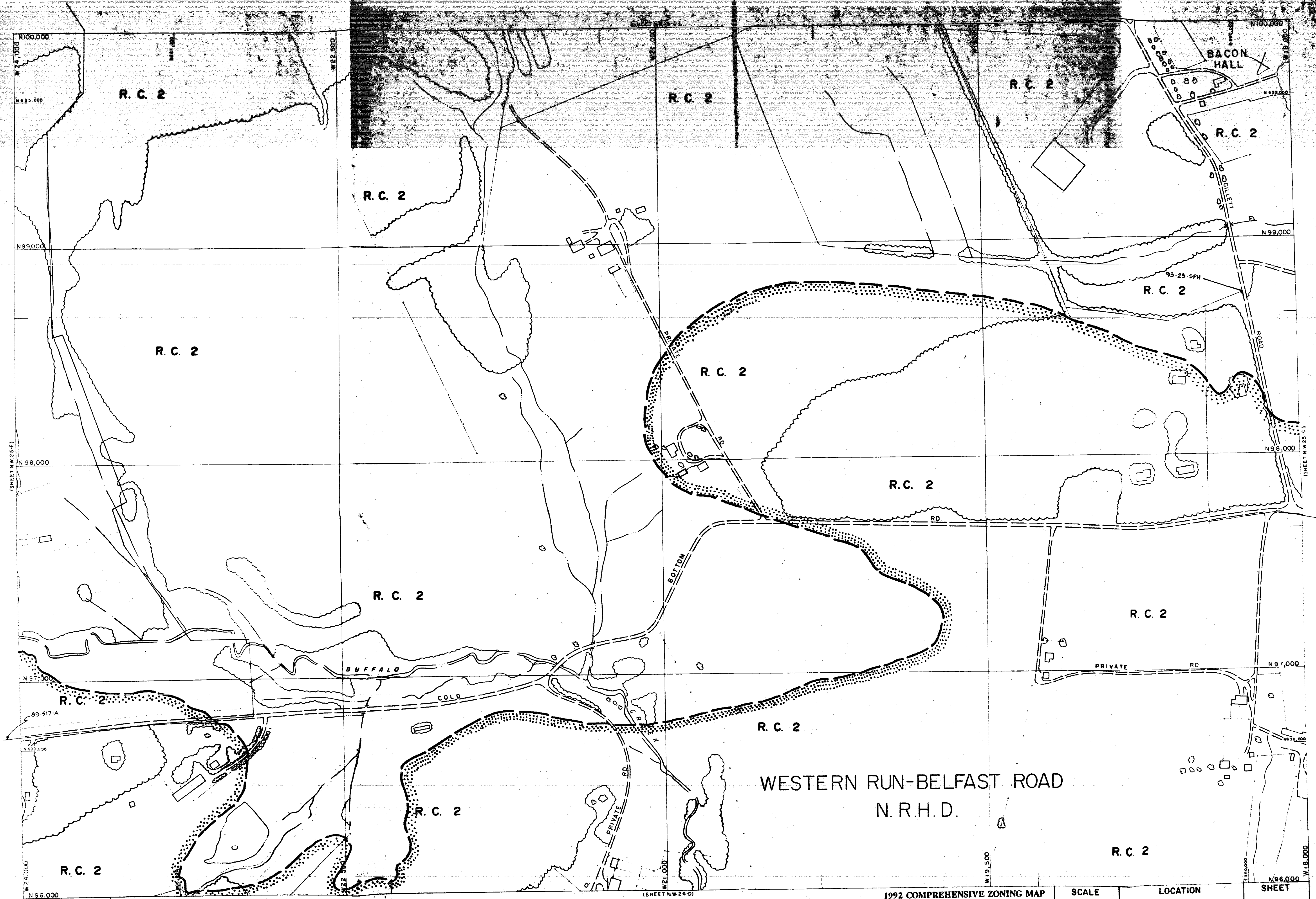
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992	SCALE 1" = 200'	LOCATION EAST OF BACON HALL NORTHEAST OF BACON HALL	SHEET NW 25-C 25-D 26-C 26-D
SH No. 144-05, 145-05, 146-05, 147-05, 148-05, 149-05, 150-05	DATE OF PHOTOGRAPHY JANUARY 1986		









DD-NW  
HH-SW

IV-A

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88  
*John E. Howard*  
Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

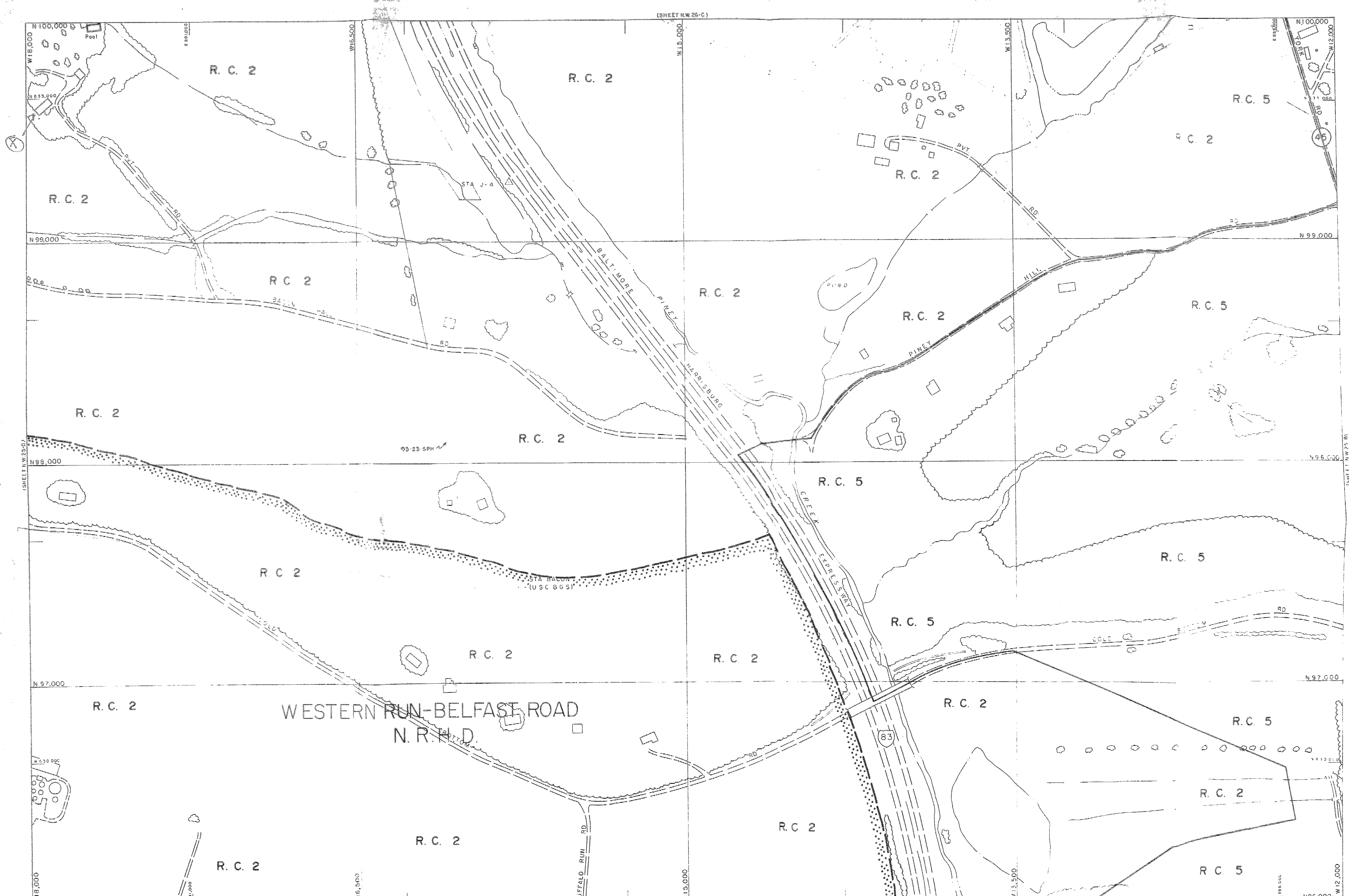
1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Bill Nos. 163-92, 164-92, 165-92, 166-92, 167-92, 168-92, 169-92  
*William A. Howard IV*  
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	BACON HALL	NW
DATE OF PHOTOGRAPHY		25-D
JANUARY 1986		

APP. EXH.  
#4A  
(1 OF 2)

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210





DD-NW DD-NE  
HH-SW HH-SE

**1988 COMPREHENSIVE ZONING MAP**  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88  
*Dale T. Voss*  
Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

**1992 COMPREHENSIVE ZONING MAP**  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Bill Nos. 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92  
*William H. Howard IV*  
Chairman, County Council

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
EAST OF  
BACON HALL

SHEET  
N W  
25-C

APP. EXH  
# 48  
(20F2) R.C. IV-B